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EDITED, WITH NOTES,
BY THE LATE
TOULMIN SMITH, Esq.
FELLOW OF THE ROYAL SOCIETY OF NORTHERN ANTIQUARIES (COPENHAGEN).

WITH AN INTRODUCTION AND GLOSSARY, &c.,
BY HIS DAUGHTER,
LUCY TOULMIN SMITH.

AND A PRELIMINARY ESSAY IN FIVE PARTS,
On the History and Development of Gilds,
BY
LUJO BRENTANO,
DOCTOR JURIS UTRIUSQUE ET PHILOSOPHIÆ.

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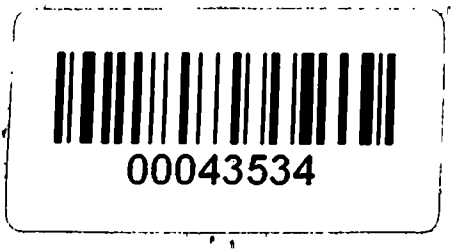

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OXFORD:

BY T. COMBE, M.A., E. B. GARDNER, E. P. HALL, AND H. LATHAM, M.A.

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INTRODUCTION.

IT is with mingled feelings that I now send this volume forth. A sorrow, in which its readers will share, that the hand which had laboured so long and so patiently was stayed ere its task was ended, that the work which should be the book he "desired to be remembered by" was yet unfinished when its author was suddenly called away, is but partly consoled by the thought that so much of that work as he had done is not lost, and that it has been at length completed, as far as might be, although by feebler hands. That it should be so completed, in a manner as much as possible worthy of the attention and care bestowed upon it by my father, has been my constant aim and endeavour; and I have had a melancholy satisfaction in filling in the rest of the outline design of this, the last labour of love undertaken by him, out of his devotion to Freedom and to the welfare of his fellow Englishmen.

A few words of explanation are due to many who have been long looking for the issue of this volume. For some months before my father's death, in April of the present year, his illness had delayed the progress of the work. Having long acted as his amanuensis, it seemed most natural afterwards that I should superintend the remainder in going through the press, rather than another, who might be an entire stranger to the papers and notes;

and even with this advantage, I had much to overcome in mastering all the details of the book. Inexperience, and the results of a painful bereavement have, I fear, caused further delay; in short, a daughter's affection and reverence for her father's name are the strongest reasons I can offer for undertaking this myself, instead of yielding it up to other and more efficient hands.

It is right that I should state the position of the work at the time I took it up, in order to point out the authenticity of each portion. The whole of Parts I. and II. were finished by my father, with the exception of a few trifling press corrections and short notes in the last ten pages. The whole of the four Records contained in Part III. were in type, but of these, the Winchester "Usages" alone was nearly ready: all required careful collation and notes, most of them wanted the marginal abstract. The Appendix I. was not in type. Except in the case of the Ordinances of the Norwich Gild contained in the Appendix, which Mr. Parker of Oxford has been kind enough twice to collate for me, I have myself supplied all that was thus wanting, taking the utmost care to make the transcripts correct and trustworthy[1]. In the Glossary, which I have also compiled, I have had the advantage of the friendly advice of Mr. Richard Morris, who has moreover, at the request of Mr. Furnivall, been good enough to prepare the Grammatical Notes on the forms of early English here printed.

In the following short Introduction I attempt to sketch out, though I fear but imperfectly, some of the ideas that my father entertained upon the wide subject that is opened up by the present volume, and to give a slight abstract of its chief features. In doing this, I have yielded to the desire of old and valued friends, who have urged that the point of view from which English Gilds and their history was regarded by one who was so thoroughly conversant with the life and spirit of English institutions, would be of the greatest interest, and that as he has unhappily left the intended Introduction unwritten, it would be well to throw his

[1] Notes added by me are distinguished by the initials L.T.S.

notes and materials into some shape[1]. Besides notes made expressly for this purpose, I have availed myself of those made for two Lectures on the Records of England, delivered at Birmingham, in April, 1865, in which my father gave some account of the Records of the Gilds, and the pictures of their laws and customs therein discovered.

Several years ago, while following up some searches at the Public Record Office for the purposes of another work, my father's inquiries led to the bringing out of some hitherto almost unused bundles of documents[2], which at once attracted his attention as connected with the subject of Gilds. On fully looking these over, he found that they were of the highest interest, giving an amount of information, and throwing a light upon the history of the Gilds of England not anywhere else known. He made a calendar, and careful notes of each one of the whole series, thus occupying the leisure hours of many months; and during the course of this study he became convinced that,—besides the value of the view of "manners, morals, and language of the time," which he considered one of the most complete in itself anywhere to be found,—these old Records possessed a value for the men and women of England of the present day, which ought to be made known. In the midst of the perplexing problems presented by modern Trades-unionism, and the dangers to enterprise and manly liberty threatened by its restrictive rules, my father, who knew that Englishmen can "never appeal to their fathers in vain, when they earnestly invoke the spirit of solid freedom[3]," saw how the ancient principle of association, more than a thousand years old, had been in use as a living practice among the common folk, that it had been "a part of the essential life of England, and always worked well till forcibly meddled with;" and he believed that if the spirit in which those

[1] In several places throughout the book, reference is made to what "will be" said or found in the "Introduction." On some of these points I have touched where it seemed fitting; others, feeling it impossible, I have not attempted to deal with.

[2] For a more particular description of these documents, see after, p. xlii.

[3] T. S., *Lecture I., on Records;* MS.

early fathers met together, prayed together, aided one another, their "faith in law-abidingness" and liberty, and their charity, could be shown to their brethren and sistren of these later days, it would not only bring closer to the present the hearts and hands of the past, with profit to themselves, but also the work would "by examples, give invaluable practical hints to sincere men" and workers now.

This volume is therefore the result of that conviction and desire. It does not seek to give a complete history of Gilds abroad and at home[1]; nor does it profess to give lists of all the Gilds known in past times in England (interesting and useful though these might be), it does not even give the whole of the documents found in the bundles at the Record Office; its aim has been to put forth a true view of the early English Gilds, what they were, and what they did, by letting their own Records speak for them. And to help in this, the several other Records contained in Part III. were added, as—besides being instructive in themselves—illustrating the outward relations of the Gilds with other Institutions of the land, and the development in other shapes of the same principles of free action upon the vitality of which the Gild depends[2].

The early English Gild was an institution of local self-help which, before Poor-laws were invented, took the place, in old times, of the modern friendly or benefit society; but with a higher aim, while it joined all classes together in a care for the needy and for objects of common welfare, it did not neglect the forms and the practice of Religion, Justice, and Morality.

"'Gilds' were associations of those living in the same neighbourhood, and remembering that they have, as neighbours, com-

[1] The Essay on the *History and Development of Gilds*, by Dr. Brentano, of Aschaffenburg, Bavaria, who is about to write a large work on the subject, and who has thus embodied some of the early chapters for this book, is here inserted by the desire of Mr. Furnivall. The value of independent historical research and opinion is evident; I must add, however, that this gentleman had no communication whatever with my father, to whom he was quite unknown, and who therefore will not be held responsible for views differing much on some points from his own.

[2] See after, p. 34[8].

mon obligations. They were quite other things than modern partnerships, or trading 'Companies;' for their main characteristic was, to set up something higher than personal gain and mere materialism, as the main object of men living in towns; and to make the teaching of love to one's neighbour be not coldly accepted as a hollow dogma of morality, but known and felt as a habit of life[1]." They were the out-come, in another form, of the same spirit of independence and mutual help which also made our Old English fathers join together in the "Frith-borh" or Peace-pledge, the institution which lies at the very root and foundation of modern civil society[2]. The difference between the Gild and the Peace-pledge was akin to that which lies between the old words "wed" and "borh"; as "*wed*" is that security which is given by a man personally, for himself as an individual, and "*borh*" the pledge given by a man for others, so a Gild was the association of men together for common objects of private and individual benefit, in which each man gave his "wed" to abide by their internal bye-laws, while a Frith-borh was the banding of men together, within the limits of a boundary, in which each joined in the "borh" or pledge for the keeping of the peace, and performance of public duties, by all the others.

"English Gilds, as a system of wide-spread practical institutions, are older than any Kings of England. They are told of in the books that contain the oldest relics of English Laws. The old laws of King Alfred, of King Ina, of King Athelstan, of King Henry I., reproduce still older laws in which the universal existence of Gilds is treated as a matter of well-known fact, and in which it is taken to be a matter of course that every one belonged to some Gild[3]. As population increased, Gilds multiplied; and thus, while the beginnings of the older Gilds are lost in the far dimness of time, and remain quite unknown, the beginnings

[1] *Traditions of the Old Crown House*, by Toulmin Smith, p. 28. Birmingham, 1863.

[2] See, as to the "Frith-borh," after, p. xxi.

[3] See, in the same sense, Kemble, *Saxons in England*, i. 239.

of the later ones took place in methods and with accompanying forms that have been recorded[1]."

The evidences of this general system of Gilds in the Old English [Anglo-Saxon] times are to be found not only in the laws but in the actual records of a few of the Gilds still remaining to us. This branch of the subject requires more study and more space than can now be given to it, but it may be well to point out some of the principal passages where the characteristics of those Gilds are indicated. These show that the principle of association for mutual help in the affairs of life—commonly but mistakenly supposed to be modern—is found, in name and in fact, in the English laws of nearly 1200 years ago; and that it existed in activity then, and continued a very living spirit in the land, through the changes of age and circumstance, long before the times of which we have the fuller records in the present volume.

Among the laws of Ina (A.D. 688–725) are two touching the liability of the brethren of a Gild in the case of slaying a thief[2]. Alfred (A.D. 871–901) still further recognizes the brotherly Gild spirit in his laws, as to manslaughter by a kinless man, and again, where a man who has no relatives is slain[3]; in the first instance the man has rendered himself liable for a sum of money, and the Gild helps him to bear the burthen, in the second the Gild has a claim upon part of that which is paid by the slayer. The famous

[1] *Old Crown House*, p. 28. With regard to the opinion entertained by some writers upon Gilds, that their origin was derived from the sacrificial feasts of the ancient Teutonic nations (e.g. Dr. Wilda, *Gildenwesen in Mittelalter*, cap. 1, § 1; Lappenberg, *History of England under the Anglo-Saxon Kings* (Thorpe's translation), vol. ii. p. 350; Thorpe, *Diplomatarium Anglicum*, Preface, p. xvi.), my father remarked "that none of our Gilds ever were founded on such a basis." And when a reference to early Roman history was suggested (according to a favourite idea of tracing many English institutions to an origin in the Roman law), he replied, "There is not the shadow of an analogy (misleading as even 'analogies' are) between the old Sabine curies and our English Gilds. We trace ours back to the old Saxon times—and they borrow their name from these, but even from them they differ very widely, and belong to two classes, markedly distinct."—(*Private Letter*, Nov. 4, 1867.)

[2] Thorpe's *Anglo-Saxon Laws*, Ina, 16, 21.

[3] *Ibid.* Alfred, 27, 28.

"Judicia Civitatis Lundoniæ" of Athelstan's time (A.D. 924–940) contains ordinances for the keeping up of social duties in the Gilds, or Gild-ships as they are there called, of London, which seem also to be referred to in the preamble to that body of laws[1]. One of these nearly foreshadows one of the most usual ordinances of the Gilds of 450 years later;—"And we have also ordained respecting every man who has given his 'wed' in our Gild-ships, if he should die, that each Gild-brother shall give a fine loaf for his soul, and sing a fifty [of psalms], or get it sung within 30 days." (See after, "messe pens for þe soule," trental, 30 masses sung for the soul, pp. 8, 38, 48, 181, &c.) The "Gild-ship" is also referred to in Edgar's Canons (A.D. 959–975)[2]. The laws of Henry I. repeat those of King Alfred before named, while in another place they refer to the Gild under its social aspect of good fellowship[3], enjoining what is afterwards found constantly insisted on—peace and good behaviour at the meetings.

The relics of ancient Gilds by name that are found reaching down to us out of those far-off times are of great interest, and show us that they did not merely exist in the laws, a dead letter. Stow, in his Survey of London[4], tells how the Cnihten-Gild, or Young Men's Gild[5], of London, was as old as the time of Edgar, and that charters of confirmation were given to it successively by Edward the Confessor, William II., and Henry I.[6]; indeed, in a charter of the latter touching their property, reference is made back to what the men of the said Gild possessed in the time of King Edward,

[1] Thorpe's *Anglo-Saxon Laws*, Athelstan V, 2, 3; 8, clauses v, vi.

[2] *Ibid.*, vol. ii. p. 247.

[3] *Ibid.*, Henry I., lxxv. § 10; lxxxi. § 1.

[4] Strype's ed., bk. ii. p. 3.

[5] See Madox, *Firma Burgi*, pp. 23, 24; also Herbert's *Livery Companies*, i. 5–7; Merewether's *Municipal Corporations*, i. 307; Rymer's *Fœdera* (1816), i. p. 11.

[6] Stow says of the charter of Edward the Confessor that it "was fair written in the Saxon letter and tongue," and refers to "the book of the late House of the Holy Trinity." But this Charter, the terms of which would probably be instructive, does not seem to be in Kemble's *Codex Diplomaticus Ævi Saxonici*, nor is it included among some documents as to Gilds printed in Thorpe's *Diplomatarium Anglicum* (1865).

sixty years before. Even older than this, a grant of land made in the time of Ethelbert (A.D. 860) affords us a glimpse of another Young Men's Gild[1]. Of a more certain nature, there are still remaining the agreement and bye-laws or ordinances made among themselves by the brethren of a Thegns' Gild at Cambridge, a Gild at Abbotsbury, and a Gild at Exeter[2]. There is also a record of a Gild at Woodbury[3]. In comparing these (some of which bear a close resemblance) with the ordinances of the comparatively more modern Gilds of the Middle Ages, and noting their likenesses and their unlikenesses, they throw much light upon one another. The agreement of the Gild of Exeter is as follows:—

"This assembly was collected in Exeter, for the love of God, and for our soul's need, both in regard to our health of life here, and to the a[f]ter days, which we desire for ourselves by God's doom. Now we have agr[ee]d that our meeting shall be thrice in the twelve months; once at Michael's Mass, the second time at St. Mary's Mass, after midwinter, and the third time on Allhallows Mass-day after Easter. And let each gild-brother have two sesters of malt, and each young man one sester, and a sceat of honey. And let the mass-priest at each of our meetings sing two masses, one for living friends, the other for the departed; and each brother of common condition two psalters of psalms, one for the living and one for the dead. And at the death of a brother each man six masses, or six psalters of psalms; and at a death, each man five pence. And at a houseburning, each man one penny. And if any one neglect the day, for the first time three masses, for the second five, and at the third time let him have no favour, unless his neglect arose from sickness or his lord's need. And if any one neglect his contribution at the proper day, let him pay twofold. And if any one of this brotherhood misgreet another, let him make boot [amends] with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it, God help us thereunto."

[1] *Cod. Dipl.* No. 293. Kemble (*Saxons in England*, ii. 335) says this was in Canterbury, but there is nothing in the document itself to show it.

[2] *Cod. Dipl.* No. 942; Thorpe, *Dipl. Angl.* 605, 610, 613; translations are also given in Turner's *History of the Anglo-Saxons*, vol. iii. pp. 98, 99, and Kemble *in England*, vol. i. pp. 511–513. The exact date of these does not seem to be but the originals are all in Anglo-Saxon.

[3] Thorpe, *Dipl. An*

Domesday Book incidentally makes mention of two Gilds in Canterbury, one of the burgesses and one of the clergy[1]; also of a Gild-hall in Dover, which implies the previous existence of a Gild in that town[2].

The word "gild" (with its varieties *gield, geld, gyld*) is of Saxon origin, and meant, as is stated on p. 122, "a rateable payment[3]." Dr. Bosworth says "a payment of money, compensation, tribute;" he also gives the verb "gyldan, gildan, geldan," to pay, give, render[4]. Spelman, in his Glossary, gives a long list of the taxes or payments that were required under the old laws, such as dane-geld, ceap-gild, wergild, &c., and quotes Domesday Book for a frequent use of the noun and the verb to signify a regular charge payable certain holdings[5]. How and when the word became applied to brotherhoods or societies is not found in so many words; but the brotherhoods, by their inherent power of making what rules they pleased, should be accustomed to gather a regular rate, or "gilde," from each one of their number for their common expenses, till every man was known as a "gegylda," as having paid to this or that Gild, seems a natural and certain explanation. [illegible] of the word "gild-ship" implies this the more [illegible]nwhile, "gilde" did not lose its old sense, and we [illegible]eanings—"geld," a payment (with a secondary use, money), and "gild," a brotherhood—running side by side, down to much later times, the relics of the former of the two still existing in our modern "yield."

Whatever was the particular form and object of the ancient Gilds and my father seems to have considered that therein some of them differed widely from those of later times—the principles which gave them life were the same, namely, those of mutual self-

[1] *Domesday Book*, fols. 2 *a*, 3 *a*.

[2] *Ibid.*, fol. 1 *a*. The word has a like form, "Gihalla," to that found in Bristol; [illegible]ter, pp. 284, 286.

[illegible] explanation intended by my father I cannot find: I have supplied its place [illegible]ould.

[4] Anglo-Saxon Dictionary.

[illegible] accordance with this, Merewether's *Hist. of Municipal Corporations*, i. p. 353.

help and a manly independence which could think of the rights of others. Mr. Kemble seems to point to that difference when he says, of the Saxon brotherhoods, "these gylds, whether in their original nature religious, political, or merely social unions, rested upon another and solemn principle: they were sworn brotherhoods between man and man, established and fortified upon 'aδ and wed,' oath and pledge; and in them we consequently recognize the germ of those sworn communes, *communæ* or *communiæ*, which in the times of the densest seignorial darkness offered a noble resistance to episcopal and baronial tyranny, and formed the nursing cradles of popular liberty[1]." Now, my father has elsewhere fully explained the important meaning, in English history, of the "*commune*" or "*communitas*," that it "is the corporate title and description of a place. A city or borough is, in its corporate capacity, a 'communitas,' so is a county[2]." Comparing with this the example (p. 201) where the word "comune" is the description of a gild as a corporate body, it would appear that when Glanville wrote (temp. Henry II.) of a "commune, in other words a gild," he must have intended a town whose corporation had set up a Gild,—probably a Gild-Merchant, as was the practice in a great number of towns at that period. The passage runs thus: "Item si quis nativus quiete per unum annum et unum diem in aliquâ villâ privilegiatâ manserit, ita quod in eorum communiam, scilicet gyldam, tanquam civis receptus fuerit, eo ipso a villenagio liberabitur[3];"

[1] *Saxons in England*, ii. 310.

[2] *Men and Names of Old Birmingham* (1864), p. 76, *note*; also, *Parliamentary Remembrancer*, vol. ii. p. 3.

[3] *De Legibus*, lib. v. c. 5. Illustrative of what is here said is the following extract from the "Custumal of Preston," the second article of which practically embodies Glanville's maxim:—

"1. So that they shall have a Gild-mercatory, with Hanse, and other customs and liberties belonging to such Gild; and so that no one who is not of that Gild shall make any merchandize in the said town, unless with the will of the burgesses.

"2. If any nativus [born bondman] dwell anywhere in the same town, and holds any land, and be in the forenamed Gild and Hanse, and pay lot and scot with the same burgesses for one year and one day, then he shall not be reclaimed by his lord, but shall remain free in the same town."—Dobson and Harland's *History of Preston Guild*, 2nd edition, p. 73.

and this view of Glanville's meaning is further borne out by the use of the terms "villa privilegiata," which imply that it was so usual for such a town to have and be joined with a Gild, that he used the words as synonymous.

In further elucidation of this matter and of the growth of free local institutions in England, of which the true Gild or Brotherhood is one type, and the Borough another[1], I here insert an unpublished paper, written by my father in 1864, on the

"*Origin of Corporations.*

"Corporations, using the word in the sense in which it is applied to towns, &c., in England, had their beginning in the old 'Frith-borh,' or 'Peace-pledge[2].' The gist of this is, that all the inhabitants of a place ('communitas') are bound to each one, and each to all, and the whole to the State, for the maintenance of the public peace. The 'View of Frank-pledge,' which (though only nominal in many places, yet still quite real in others) is now kept up in Courts Leet, is one relic of this 'Frith-borh.' The liability of hundreds, parishes, &c., to certain obligations, is another practical relic of it. Every man, in every 'Communitas,' used to be obliged to be actually enrolled in the 'Frith-borh' on reaching a certain age, and thenceforth had to be present (or to account for his absence) at every one of the regular meetings of the 'Communitas.' This practice was kept up till comparatively modern times. The 'Articles of the View of Frank-pledge' were part of the Common Law, but were also enacted in Acts of Parliament, and were added to from time to time, as fresh circumstances arose.

"The bodies thus acting were all true '*Corporations*,' though, as different places increased and grew unequally, different shapes were taken, some larger and some smaller, and some almost dwindled

[1] "Shires we have, and Hundreds, and Cities, and Boroughs, and Parishes, and Corporations of other kinds. All these have their relation to the true Gild."—T. S., in *Old Crown House*, p. 28.

[2] Among the writers upon this, Lambard gives an interesting account in his *Duties of Constables, Borsholders*, &c. (1610), pp. 6–10.

away to nothing. Representative Councils, &c., are a mere incident and not an essential to Corporations. The whole body is *the Corporation*. The head of these Corporations used to be the 'Provost' (a name formerly universal in England), the 'Constable,' the 'Bailiff,' or the 'Reeve.' Up to the 'Corporations Reform Act' of William IV., the names of the heads of Corporations varied very much. That of 'Mayor' is really modern. It is but twenty-five years since the corporate (representative) body in Birmingham was the Bailiffs and Court Leet.

"The 'Communitas' has, at Common Law, and without any Statute, full power to regulate its own affairs, and to make 'Bye-laws' for its own governance, by the assent of its own members. This power is inherent, and necessary to enable it to fulfil its obligations to the State.

"Charters of Incorporation do not and cannot *create* Corporations. They have always depended, and still depend, for even their validity upon the pre-existence of the 'Communitas,' as above stated, and upon the assent and acceptance of the 'Charter' by the 'Communitas.' In this respect the Corporations Reform Act made no difference. This matter became tested in the case of the Manchester Charter which was issued under that Act, and that Charter was held by the Courts of Law to be only sustainable upon proof of assent and acceptance.

"'Charters' therefore do not 'incorporate.' They merely *record*. They may (within the limits allowed by Common or Statute Law) declare the form or shape of certain municipal titles, offices, or functions within the Corporation; but they do not touch the inherent characteristics of it, or its responsibilities, or the essential element of assent and acceptance.

"As cities and built towns have a more compact municipal life and action than other places, the notion of Corporations (in the political sense) is apt to be exclusively attached to them. But this is quite incorrect. Every place where a Court Leet has been held, is or has been really a Corporation. 'Hundreds' are Corporations

(though now almost atrophied in most places); and the 'Hundreds' used, as such, to have corporate seals. Counties also are Corporations. So also are Parishes, and the true 'Wards' of London. Each of all these has an independent life, and the power of self-action, by its own consent, in matters that touch the common well-being; while, on the other hand, each is held bound to the State in certain definite and important *Responsibilities*. And these, conjointly, are the characteristics of a 'Corporation' in the political as distinguished from the commercial use of that title. And these characteristics are the direct offspring, with simply more or less of development, from the old 'Frith-borh' or 'Peace-pledge.'"

The Ordinances and Bye-laws of Municipal Bodies, contained in Part III. of this volume, receive their best explanation by the study of this paper.

Some links that carry us on from the Gilds of the old English times to those of the fourteenth century are to be found in the Great Gild of St. John of Beverley (p. 150[1]), the earliest charter of which was given in the time of Henry I., and in the Gild of Stratford-upon-Avon (p. 213), whose beginning was "from time whereunto the memory of man runneth not," as well as in several others whose foundations were so old that the same declaration was made as to them[2]. The beginnings or the early history of some may be traced in the charters of many Corporations, to whom the possession or the setting up of a Gild was often thus confirmed or put on record. Thus in the reign of Henry I. (1100-1135), Leicester possessed a Gild Merchant[3]; the citizens of York had a Gild Merchant and Hanses, as is declared in their charter from John[4];

[1] Pages inserted thus between brackets refer to the body of the work. Further references will be found in the Index.

[2] In several Returns not given in this volume. Miscell. Rolls, Tower Records, Bundle CCCVIII. No. 42; CCCIX. Nos. 71, 81, 86.

[3] Thompson's *History of Leicester*, p. 29.

[4] Brady on *Boroughs*, Appendix, p. 47; also see after, p. 151. A Hanse seems to have been a company or society, formed exclusively for purposes of trading in the country and abroad. See *Spelman's Glossary*, v. Ause; *Jacob's Law Dictionary*, v. Hanse; also after, p. 357.

and Preston traces her Gild Merchant with a hanse to the years (1175–1185) of Henry II.'s reign [1]. The Gild Merchant of Winchester (p. 357) was in existence in the reign of Richard I. (1189). In the reign of John (1199–1216) Great Yarmouth had a Gild Merchant; the burgesses of Dunwich also had a "hanse and a Gild Merchant, as they have been accustomed to have;" the men of Andover had one like that of the burgesses of Winchester, and the burgesses of Helleston had also their Gild Merchant [2]. Under Henry III. (1227) the citizens of Worcester had their Gild Merchant with a hanse (p. 411), and an *inspeximus* of the same king's reign (1267) tells us that the burgesses of Wallingford had had a Gild Merchant with all its usages and laws since the time of Edward the Confessor [3]. These are but a few out of the instances that might be gathered together, showing how wide-spread and lasting was the system of these brotherhoods.

In the year 1388 two Parliaments were held. Of the second of these, held at Cambridge [4], and which fell in the 12th year of Richard II. (p. 136), it happens that the Roll or official record is now lost, but it is known from other remains that it sat thirty-nine days, and that even in that short time it passed "sixteen good acts [5]," touching among other things the condition of labourers, and regulating beggars and common nuisances. In this Parliament it was ordered that two Writs should be sent to every Sheriff in England, both commanding him to make public proclamation throughout the shire, the first calling upon "the Masters and Wardens of all Gilds and Brotherhoods," to send up to the King's Council in Chancery Returns of all details as to the foundation, statutes, and property of their Gilds (p. 127); the second calling on the "Masters and Wardens and Overlookers of all the Mysteries

[1] Dobson and Harland's *History of Preston Guild*, 2nd edition, p. 72.

[2] Brady on *Boroughs*, where the originals are given at length. Appendix, pp. 45, 12, 14, 17, 21, 22.

[3] *Ibid.*, pp. 16, 17.

[4] "Cantebrigge;" this is sometimes wrongly translated "Canterbury."

[5] Prynne's *Parliamentary Writs*, vol. iv. pp. 404, 405.

and Crafts," to send up, in the same way, copies of their charters or letters patent, where they had any (p. 130). These Writs were sent out on the 1st of November, 1388, the Returns were ordered to be sent in before the 2nd of February next ensuing. Those Returns thus made during the winter months, just 480 years ago, and forty years after the "great pestilence," by which some of them mark their dates[1], remain to us now, "life-pictures" of what was passing then (p. 184). Many of them must be lost, as we know that there were Gilds in other places of which there is no Return left (pp. 272, 357). But even thus reduced in number, there are still extant these official Returns of more than five hundred of the brotherhoods which once were scattered all over the land, enough to teach us the characteristics, purposes, and value of these institutions[2].

These Records themselves deserve a few words before passing on to their contents. The Englishman's independence, and the diversity of character following thereupon, are features stamped upon them. Written by men of the people, and not by legal officials, the handwritings are as various as would be expected to be found among the same number of different writers in every age,—some difficult to read, many clear and good. The language used is not always the same, the greater part are in Latin; but a number are in the old French of the time, and still more preferred their mother

[1] Bundle CCCVIII. No. 120; CCCX. Nos. 36, 236.

[2] See before, p. xiv. The materials that exist for the further study of the history of Gilds in England are rich and various. Not only among the Public Records, such as the Charter Rolls, the Patent Rolls (which contain much information), the Rolls of Parliament, and others, should the inquirer seek; but the local and municipal archives in numberless places would, there is little doubt, yield much valuable knowledge to an intelligent and careful search. A great deal also may be learned indirectly, while at the same time the original authorities and sources are indicated by which their statements can be tested, from those interesting books, many of them monuments of labour and research, the Topographical Histories. The old Chartularies of Abbeys, (p. 297), and the muniments of colleges (for example Winchester College; see *Archæological Journal*, vol. ix. p. 69), may also give their contributions. But in point of comprehensiveness, instruction, and variety, none of these will exceed the group of Records now, for the most part, first made known.

tongue. The substance of the matters given, and the fulness with which the ordinances are set out, vary in a remarkable degree, in some cases only the barest facts being sent in on a small strip of parchment, while in others the fulness of detail covers several large skins.

It will be perhaps useful here to call attention to some of the principal features, gleaned from these Returns, of the old life of the Gilds who made them, the dates of whose foundations range, for the most part, from early in the thirteenth and throughout the fourteenth centuries. A few, however, date from older times, as in the case of Beverley and others[1].

The fundamental idea of the Gild, as seen above, was, that it was an association for mutual help, made by the people themselves when and as they found the need for it. Long ago my father wrote that "it is an essential characteristic of the system of local self-government, that its constant tendency is, to bring men together continually, with feelings of brotherhood; that it affords every opportunity for the manly asking and manly rendering of sympathy when individual misfortune entitles to it[2];" and these words now tell the source whence the old Gild spirit drew its breath. Though one Gild may have set itself one special object, and another a different one, yet, running throughout the whole, there are to be found the same general characteristics of brotherly aid and social charity; and the accompanying arrangements necessary to carry these out were things common to all, and therefore well understood as matters of course. If, therefore, we do not find recorded of every one that it kept a feast, or held a "morn-speech," or had a Gild-house, &c., it must be taken to be because each of these was so usual a part of a Gild existence that it was not necessary to mention the fact.

Gilds may be divided into two broad classes (pp. 127, 130), the Social Gilds and the Gilds of Crafts, which, as has been seen, were recognized by the authority of Parliament, who issued a separate

[1] See before, p. xxiii.

[2] *Local Self-Government and Centralization* (1851), p. 538.

Writ for the Returns from each. The Social Gilds were founded upon the wide basis of brotherly aid and moral comeliness, without distinction (unless expressly specified) of calling or class, and comprehended a great variety of objects; the Craft-Gilds, while sharing the same principles, were formed for the benefit of the members as craftsmen, and for the regulation of their craft. The Joiners and Carpenters of Worcester (p. 208), the Fullers and the Ringers of Bristol (pp. 283, 288), and the Tailors, the Cordwainers, and the Bakers of Exeter (pp. 312, 331, 334) are examples of these. There were also Gilds that were neither wholly Social nor of a Craft (p. 179), and to these it seems that Gilds-Merchant belonged, as, though we find them answering to the Writ for Crafts (in the case of Beverley, p. 150), yet their Ordinances, as in the instance of Coventry (pp. 228–232), of Berwick (p. 338), and of Southampton[1], often partook of the character of those of the Social Gild. Sometimes it was begun by the "communitas" of a town, as in the case of the Gild of the Holy Cross of Birmingham (pp. 239, 241), but generally the first founding of a Gild was by some "body of the folks" themselves, who might sometimes be traders, sometimes not. For instance, there are the "Shephirdes Gild" of Holbech, the "Young Scholars" of Lynn (p. 51), the "Shipmanes Gild" of the same place (p. 54), the "Peltyers" and others of Norwich (p. 28), the "Poor Men" of Norwich (p. 40), the "Tailors" of Lincoln (p. 182), the "Gild of the Palmers" of Ludlow[2] (p. 193). And it follows from this principle of free association that, as no wrong was done to any one and no public responsibilities of individuals interfered with (but rather the contrary), it is found that the "King's license was *not* necessary (as is wrongly alleged)[3]" to the foundation of a Gild.

[1] See the early part of the 'Ancient Ordinances of the Gild-Merchant of the Town of Southampton,' printed by Mr. Smirke in the *Archæological Journal*, vol. xvi. pp. 283, 343. For a copy of this very interesting paper I am indebted to the courtesy of Mr. Albert Way.

[2] I find from one note of my father's that there was a Gild at Burgh, Lincolnshire, founded by some Pilgrims in fulfilment of a vow made by them while tempest-tossed at sea. Bundle CCCX, 245.

[3] MS. note by T. S.

Dugdale observes that "they were in use long before any formal licenses were granted unto them[1]." This may be proved by the examples of Stratford-on-Avon (pp. 211, 218), and St. George of Norwich (pp. 17, 443), each of which was in existence for many years before special circumstances rendered the obtaining of official confirmation necessary. The terms of the Writs for the Returns show that this was well understood[2]. It seems probable that the mistake has arisen through two things: first, the custom of inserting their Gild into the Charter when the men of any town got their rights confirmed, as was seen among the Gilds-Merchant; and second, the need that there was for Gilds, like other corporate bodies, when they wished to acquire lands or tenements, to take out a License in Mortmain under the Statute of Mortmain. Several instances of these licenses taken out by Gilds occur in the following pages[3].

My father was anxious to correct another very general misapprehension, as to how far the religious element entered as an essential part into the foundation and functions of Gilds[4]. "These were not," he has said, "in any sense superstitious foundations; that is, they were not founded, like Monasteries and Priories, for men devoted to what were deemed religious exercises. Priests might belong to them, and often did so, in their private capacities. But the Gilds were lay bodies, and existed for lay purposes, and the better to enable those who belonged to them rightly and understandingly to fulfil their neighbourly duties as free men in a free State. . . . It is quite true that, as the Lord Mayor, and Lincoln's Inn, and many other as well known personages and public bodies, have to this day a chaplain, so these old Gilds often took measures and made pay-

[1] Warwickshire (ed. 1730) i. 188.

[2] See notes to pp. 128, 130; also p. 251.

[3] Pages 195, 226, 232, 243, 244, &c. A clear and simple explanation of what a *license in mortmain* and a *writ ad quod damnum* mean was given in '*Men and Names of Old Birmingham*,' pp. 20–26.

[4] See for example Madox, *Firma Burgi*, 23–26; Herbert's *Livery Companies*, i. p. 1.

ments, to enable the rites of religion to be brought more certainly within the reach of all who belonged to them. This was one of the most natural and becoming of the consequences following from their existence and character. It did not make them into superstitious bodies[1]." Though it was in this way very general to provide more or less for religious purposes, these are to be regarded as incidental only; and this is curiously exemplified by the case of three Gilds in Cambridge, one of which excludes priests altogether (Gild of the Annunciation, p. 271), another, if they come into the Gild, does not allow them any part in its management (pp. 264, 265), while the third has a chaplain, but if their funds get too low both to maintain a chaplain and the poor brethren, the chaplain is to be stopped (p. 271). These cases are however exceptional; and the evidences of a simple piety and of a faith that entered into the every-day life are some of the most pleasing traits of the old Gild-Ordinances. It was not every Gild who could afford to support a chaplain, though some did so[2]; but there were few who did not make some provision for services in their church, and for decent burial and burial-services for their members,—their care in this last respect going so far as to fetch the body from a distance if it so befell,—and appoint how the details, various of course in different cases, of the customary religious rites for the dead should be carried out. The usual course was for many, or all, of the brethren to attend these services (at Norwich more prayer was expected of the "lettered" brethren than of the unlettered, at the dirge, p. 20); that wax lights should be provided at the cost of the Gild, and that each brother and sister should make an offering for alms and another for masses for the soul of the departed. Sometimes the lights burning round the body of the dead were many in number, in one instance very elaborate funeral rites, with a hearse, are enjoined (pp. 169, 176, 215), in others, night-watches were kept under curious conditions (pp. 194, 217). On these occasions, too, the poor were often fed or clothed "for the soul's sake of the dead" (pp. 31, 173, 180, &c.).

[1] '*Old Crown House*,' p. 31.

[2] See pp. 74, 144, 146, 165, 183, &c.

It was usual for all the brethren and sistren to go to church on the day of their general meetings, to hear mass and to make offerings. Many of the Gilds, too, made a point of maintaining wax lights in the churches before the altar of the Saint whose name they had taken[1].

It is worth noticing who were the persons who composed the Gilds. Scarcely five out of the five hundred were not formed equally of men and of women, which, in these times of the discovery of the neglect of ages heaped upon woman, is a noteworthy fact. Even where the affairs were managed by a company of priests, women were admitted as lay members[2]; and they had many of the same duties and claims upon the Gild as the men. The sort of people who joined together may be somewhat judged of by the names given before[3]; and Chaucer incidentally helps us to understand them by his description of the brethren who joined the Pilgrimage to Canterbury, and who, being all clothed in one livery, must have belonged to the same Gild:—

"An Haberdasher and a Carpenter,
A Webbe, a Deyer, and a Tapiser,
Were all y-clothed in o livere
Of a solempne and grete fraternite.
Ful freshe and new hir gere ypicked was,
Hir knives were ychaped not with bras,
But all with silver wrought ful clene and wel,
Hir girdeles and hir pouches every del.
Wel semed eche of hem a fayre burgeis,
To sitten in a gild halle, on the deis.
Everich, for the wisdom that he can,
Was shapelich for to ben an alderman.
For catel hadden they ynough and rent
And eke hir wives wolde it well assent[4]."

[1] As to Saints' Names, see the notes on pp. 201, 221.

[2] Gild of Corpus Christi, York, p. 141. Women joined in the foundation of Gilds, and wives as well as single women belonged to them. See pp. 155, 159, 160, 455.

[3] Page xxvii.

[4] Prologue to *Canterbury Tales*. Chaucer was Clerk of the Works in 1389 and died in 1400. As to a Gild sending pilgrims to Canterbury, see after p. xxxvi.

That they were popular, and that a well managed Gild frequently grew in numbers and importance, so that persons of all ranks, even the highest in the kingdom, were glad to join it, is found in several instances, and is indirectly proved by the founders of the Gild of St. Michael-on-the-Hill, Lincoln, who were "of the rank of common and middling folks," not wishing to admit any of the rank of Mayor or Bayliff (p. 178). Of the two lists of names in this volume (pp. 112, 453), while both show the number of sisters, the last is especially interesting because it points out the rank or calling of so many of the members, and that all classes were alike admitted. The number of members enrolled by St. George's Gild of Norwich was very great, as the numerous books and records still existing in that city bear witness, but they can hardly have exceeded the number of 14,850 attained by Corpus Christi, York (p. 142). The Gild of the Trinity, Coventry, admitted many famous men, even, according to Dugdale, enrolling Kings Henry IV. and Henry VI. among its members[1], while in later times the Gild of St. Barbara of St. Katharine's Church, near the Tower of London, could point out Henry VIII. and Cardinal Wolsey as brethren[2].

Each member on admittance took an oath of obedience, and was received lovingly by the brethren, with a kiss of peace (pp. 6, 9, 189). Two examples of the oath are here given, one belonging to a purely social Gild of Stamford (pp. 189, 191 *note*), the other to the Craft-Gild of the Tailors of Exeter (p. 318). The oath taken by the brethren of the Gild of St. George at Norwich resembles that of Stamford; it is given by Blomefield in his History of Norfolk[3]. A Gild did not invariably require an oath, as in that of Corpus Christi, York (p. 141); this was, however, an unusual case.

The payments that were made were numerous, and we find them, among the different Gilds, of an infinite variety. Thus there was the payment on admittance, sometimes a fixed amount, sometimes "as the masters and he may accord" (p. 7), and in

[1] Warwickshire, i. 192. [2] Strype's *Stow*, book ii. p. 6. [3] Vol. ii. p. 734.

different forms; sometimes in money, as in the Gild of St. Benedict, Lincoln, six shillings and eightpence (p. 174), and in St. George's Gild, Norwich, six shillings and eightpence for a man, three shillings and fourpence for a woman (p. 450); sometimes in kind, as in the case of Stretham, Ely, where every incomer was to pay two pounds of wax and one bushel of barley[1]. Besides this entrance fee, there were the house fees, or "rights of the house," which were payments to the officers, such as "to the Alderman 1*d.*, to the Dean 1*d.*, and to the wax ½*d.*" (pp. 54, 108, &c.); there were payments "to the light," for the feast, on the death of a brother or sister, on occasions when help was needed for a poor brother or one in distress, and others, all which were part of the usual regulations. As various, too, were the arrangements of times of payment, in one Gild so much a year would be agreed upon (p. 4), in another so much a quarter (pp. 7, 10), as the contribution from each to the common fund, and in that of Corpus Christi, Hull, five farthings was to be paid weekly by every member (p. 160). Nor were the people careless, though unsparing, of their monies; we find frequent mention of "the common box" (p. 10), "common pyx[2]," or chest (p. 139), and the stewards, aldermen, or other officers, were required annually to render true accounts of the "catel" and funds of the Gild. In some Gilds it was an understood thing, if not an ordinance, that a brother or sister dying should leave it a legacy, for example, the Peltyers of Norwich had no lands, but were partly supported by legacies (pp. 29, 165, 170, 317, 319).

Every Gild had its appointed day or days of meeting, once a year (pp. 19, 23), twice (pp, 113, 117), three times (p. 58), or four times (pp. 65, 91), as the case might be, when all the brethren and sistren, summoned by the Dean or other officer[3], met together to transact their common affairs. At these meetings, called morn-speeches (in the various forms of the word), or "dayes of spekyngges tokedere for here comune profyte" (p. 67), much business was done,

[1] Bundle CCCIX. No. 49. [2] Bundle CCCVIII. Nos. 58, 126.

[3] The "common bellman" went through the city in Norwich and Spalding. See after, p. 31; and Bundle CCCIX. No. 197.

such as the choice of officers, admittance of new brethren, making up accounts, reading over the ordinances, &c., one day, where several were held in the year, being fixed as the "general day[1]."

The word morning-speech (*morgen-spæc*) is as old as Anglo-Saxon times, "morgen" signified both "morning" and "morrow[2]," and the origin of the term would seem to be that the meeting was held either in the morning of the same day or on the morning (the morrow) of the day after that on which the Gild held its feast and accompanying ceremonies, and that it afterwards became applied to other similar meetings of the Gild-brethren. The practice in several places, though all were not alike, bears out this explanation (p. 7; compare pp. 10 and 11; 30, 40, 80, 97, 176, &c.) One day at least in the year, usually the day of the saint to which the Gild, if it had a saint's name, was dedicated, was more specially devoted than the others to festivities; by some it was called the "Gild-day" or "general" day (pp. 21, 30, 217, &c.), it was then that the brethren and sistren being all assembled, at whatever hour was fixed (prime or otherwise)[3], worshipped together, gave their alms, and feasted together, for "the nourishing of brotherly love." On this day it was that the brethren and sistren, clad in their hoods or their livery, assembled at the church, bearing the lights which formed a universal part of the religious rites, there to make the prayers enjoined by their rules (pp. 23, 111, 114), and to consecrate by the acts of faith that brotherly love and peace which they were sworn to cherish; they made their offerings and went their way, perhaps to a morn-speech for settling some business, or if this were not the custom, they met in good fellowship at the Gild-house[4], round the social board. At some of these

[1] See, for example, the cases of the Gild of St. Thomas of Canterbury, Lynn, pp. 80, 81, and of the Gild Merchant of Coventry, p. 229. See also p. 128, *note*.

[2] See Mr. Way's note (3) to p. 344 of his edition of the *Promptorium*.

[3] See pp. 18, 31, 60, 79. The brethren and sistren of the Gild of Holy Trinity, Lynn, were to meet at the place of feasting before going to church, "at what hour shall be declared to them by the sound of the trumpet." Bundle CCCX. No. 38.

[4] Occasionally the feast was held at the houses of the brethren by turns, "in uno certo loco ad aliquem domum fratrum vel sororum." Caistor. Bundle CCCX. No. 193.

feasts prayers were again offered up (p. 76, 217), and the peaceable and good behaviour of all was constantly and strictly enjoined. Some Gilds would allow a guest to be brought (pp. 185 *note*, 219). In one case the brethren improved the time by having their ordinances read over to them while at dinner (p. 176).

The Gild brethren were fond on their feast-days of rejoicing in various processions, in which numerous lights, music, and sometimes flowers and garlands of leaves were used (pp. 30, 38, 117, &c.), and symbolic shows had a part (pp. 30, 149, 232). The Gild of the Lord's Prayer at York was expressly set up for the purpose of providing that "a play setting forth the goodness of the Lord's Prayer" should be kept up and played periodically in the streets of York[1]. The day of the procession or "riding" of the famous show of St. George's Gild in Norwich (pp. 444 *note*, 446) must have been a grand one for the sight-seers of the city; while the streets of Leicester[2], York (pp. 142, 143), Coventry, Preston, Worcester (p. 407), and many more, must have witnessed a goodly sight when the shows belonging to individual Gilds, or when the pageants of Gilds and crafts combined, were displayed in gorgeous array along them. In the present day, when the race of life is to the swift, and there is scarcely time left for anything else, these popular pageants are despised, and a barren imagination can see in the last relic of them, the Lord Mayor's Show, nothing but "a bore." But it was not so in former times, and the real value of the large share that the old Gilds had in making England "Merry" is well pointed out in the following lines:—"Each Gild's first steps were bent towards their church, where solemn high mass was chanted; thence went all the brotherhood to their hall for the festive dinner. The processions on the occasion and other amusements so dear to Englishmen, when their country was merry England, were meant

[1] See p. 137. It will be seen that the founders did not confine themselves to this object only, and their ordinances present "an excellent example of the general purposes of Gilds." MS. note, T. S.

[2] Thompson's *History of Leicester*, pp. 149–151.

to be edifying and instructive; and helped religion to make her children both good and happy, through even their recreations. This present age, with its stepmother's chill heart, dull eye, and hard iron-like feelings, that sees naught but idleness in a few hour's harmless pause from toil, and knows nothing but unthriftiness in money spent in pious ceremonial, and thinks that the God who sprinkled the blue heaven with silvery stars, and strewed the green earth with sweet-breathing flowers of a thousand hues, and taught the birds to make every grove ring with their blithe songs, and told the little brook to run forth with a gladsome ripple, all in worship of Himself, can be best and most honoured by the highest and noblest of His wonderful works,—the soul of man,—the more gloomy, the more mopish, the sourer it is; such an age will not understand the good which, in a moral and social point of view, was bestowed upon this country by the religious pageants, and pious plays and interludes of a by-gone epoch. Through such means, however, not only were the working-classes furnished with a needful relaxation, but their very merry-making instructed while they diverted them[1]."

The form that the property of a Gild took depended on as different circumstances as the amounts were various. Some were endowed with land at their foundation, or had gifts of land or tenements made to them, as the Gilds of Coventry, Holy Cross of Birmingham (pp. 231, 240), and of St. John the Baptist, Deritend[2]. Of many it seems to have merely consisted of the contributions in money or in kind, expended and accounted for by responsible officers; others acquired considerable property in church ornaments, furniture for the Gild-house, goods used in the plays and shows, &c., as may be seen from many curious inventories still existing (pp. 233, 320, 327). Some Gilds invested in cows or oxen, and let them out at so much a year. We are told that the

[1] Canon Rock's *Church of our Fathers*, vol. ii. p. 418. The same volume also contains much curious and valuable information as to old English Gilds, pp. 395–453.

[2] *Old Crown House*, p. 34.

Wardens of the Gild of our Lady, Byom (Derbyshire), "ont achatez boefs et les ont seueralment lowez as diuerse persones pur ij*s.* par an.;" and they make return of their property, besides land, in 20 beeves [1].

The practical mutual charity of the Gild-spirit is truly seen in the way in which they disposed of their monies. Care for the fitting burial of dead brethren and sistren, at the cost of the Gild, was constantly taken; help to the poor, the sick, the infirm, and aged, to those who had suffered by losses or robbery, and to those overtaken by misfortune, if this were not through their own folly or misconduct, is not less prominent a feature in the Ordinances. The weekly payments to the poor are frequently specified, as well as gifts of clothing or food [2]. Sometimes, too, they were to be visited, at other times entertained, at the houses of their richer brethren. In some cases, loans of money from the Gild-stock were made upon surety being given (pp. 8, 11); in others free loans or gifts were made to enable the young of either sex to get work or to trade (pp. 9, 156, 229); while in Ludlow, "any good girl of the Gild" had an unconditional dowry given her, if her father were too poor to provide it (pp. 194, 340). Brethren cast into prison were to be visited and helped to get free (pp. 50, 169, 193). Those who were going on a pilgrimage, whether to the Holy Land, St. James of Compostella, or to Rome, were helped and honoured (pp. 157, 172, 177); one Gild even yearly sending a pilgrim to Canterbury [3]. The Gild-Merchant of Coventry kept a "lodging house with thirteen beds, to lodge poor folks coming through the land on pilgrimage or any other work of charity," with a governor of the house and a woman to wash the pilgrims' feet (p. 231).

Of the good works done by the Gilds other than among their own personal members, many instances may be found. It was

[1] Bundle CCCVIII. No. 56. A Gild in the parish of Bakewell, Derbyshire, possessed twelve beeves (*ib.* No. 64); and another in Cambridgeshire had also twelve cows, in all cases to be let out. CCCIX. No. 71. See also after, p. 192.

[2] See especially pp. 148, 169, 231.

[3] Bundle CCCX. No. 49.

not unfrequent for a number of poor to be fed on the feast-day at the Gild-hall; thus in two of the Lincoln gilds it was ordered that as many poor as there were brothers and sisters were to be fed with bread, ale, and fish; and in the Gild of Gertonburdych, Norfolk, provision was made for the distribution of a certain amount of corn and barley yearly [1]. A Gild in York found beds and attendance for poor strangers (p. 143); the Gild of the Holy Cross in Birmingham had almshouses for poor people of the town (p. 249 *note*); and help to the poor of the town was one of the "workis of charity" for which the Gild in the same place called "Lenche's Trust" was founded (p. 256). Turning from the poor to works of public usefulness, we find that these same two Gilds charged themselves with the repairs of certain highways (pp. 249, 256); the Gild of Hatfield Brodoke, Essex, also contributed to the repair of roads [2]; while the Gild of St. Nicholas, Worcester, repaired the walls and bridge of that city (p. 205). Many Gilds made important contributions to the repair of churches, of which that of Pampesworth, Cambridgeshire, is a curious example: some bushels of barley were given "to put out to increase, for the use and repair of the church in the said town, which is in poor condition and partly decayed; and as of necessity in a short time the top [*tort*] of this, called the 'Roof,' must be made anew, and it cannot be done without the aid of the Gild, they pray for God that their goods be not disturbed." The Gild of Swafham Bulbek (Cambridgeshire) undertook the "repair of the church, and renovation of vestments, books, and other ornaments in the said church [3]." The Gild of St. Andrew, Cavenham (Suffolk), would bear the charge of repair and sustentation of the church, when necessary, "ex consensu fratrum et sororum." Many others might be named. And among the good works which the elastic constitution of the Gilds rendered it natural and fitting for them to take up, was the main-

[1] Bundle CCCVIII. No. 75; CCCX. Nos. 157, 134.
[2] Bundle CCCVIII. No. 59.
[3] Bundle CCCIX. Nos. 68, 79; CCCVIII. 31.

tenance of a free school and schoolmaster, as was done by the Gild of St. Nicholas in Worcester (pp. 203–205), the Gild of Palmers in Ludlow (p. 198), and the famous Gild of Kalenders in Bristol (p. 288).

The government of the Gild, its Officers, and its Ordinances or Bye-laws, were based on the same principles as those of the other free institutions of England. The Gild had usually its head officer or Alderman (Graceman); its Stewards (Wardens), into whose hands the property or funds were entrusted for administration; its Dean or Beadle; and its Clerk (pp. 46, 176). These were all chosen annually, frequently by a secondary election (pp. 71, 97, 266), and had to render an annual account; every one who refused to serve had to pay a fine; the Dean and the Clerk were paid yearly salaries, and all the officers had special allowances on feast days (pp. 66, 88). Other officers were chosen when the need for them arose (pp. 156, 160, 217). At Lancaster a committee of twelve was appointed to manage the affairs of the Gild, together with collectors (p. 164). The custom of making their own Ordinances—like the "Usages" of a Corporation, the "Customary" of a Manor (for example, Tettenhall and Bushey, pp. 432, 441), or the "Bye-laws" of a Parish[1]—is but another illustration of the old common law of England, by which, while abiding by the law of the land, men shaped for themselves the rules that should guide them in their own community (see p. 348). The Ordinances were frequently read over, so that none might plead ignorance (pp. 159, 162, 178, 315); and if alteration was made it was done with the assent of all the brethren and sistren (pp. 8, 11). This assent was also necessary to business transactions (pp. 246, 271). The Gilds had in their corporate capacity a common seal, of which two examples are figured[2].

The Livery Companies of London are often spoken of, as though the "livery" were something peculiar to them. This is, however, only the relic of a past custom by which every Gild, as is seen in

[1] See Toulmin Smith's *The Parish*, pp. 47–51.

[2] Pp. 207, 250. See also pp. 146, 168, 327.

these Returns, had its livery of one suit, whether hoods or gowns or both, for sistren and for brethren, ordinances being often made as to the length of time and the occasions when they were expected to be worn (pp. 43, 56, 446, &c.). The giving of these liveries by Gilds and other bodies was attempted to be stopped by Parliament about a year after the Returns were made, but apparently with little effect [1]. That the livery became an outward sign of the social importance of the Gilds and brotherhoods was recognized in Parliament a few years later, when the use of certain liveries of cloth were forbidden,—"Gilds and fraternities, and crafts in the cities and boroughs within the kingdom, which are founded and ordained to good intent and purpose, alone being excepted [2]."

Two very striking characteristics, the second one universally expressed among all the bye-laws of all the Gilds, must not pass unnoticed. The first is the respect for law and its established forms; the second, the constant sense of moral worth, and the endeavour to attain it. "No ordinances shall be made against the common law" (pp. 23, 30, 39); "rebels against the laws shall be put out of the Gild" (pp. 50, 52); "the liberties of the town shall be upheld" (pp. 167, 337): such was the sort of language used by those who governed themselves. And when we consider the fact of this multitude of independent bodies of plain men and women, scattered all over the land, each bound by ordinances for the attainment of better demeanour and morality among themselves, who shall say what England does not owe at the present day to their efforts, and what might not be still further done by reviving their example now? Every one who wished to be admitted into a Gild was required to be of good reputation and bearing; if a brother became a brawler or a thief, or committed other offences, he was punished

[1] Rolls of Parliament, 13 Rich. II., Petition 29.

[2] Rolls of Parliament, 13 Hen. IV., Petition 38. See also *ib.*, 7 and 8 Edw. IV., Petition 41; and the Act 8 Edw. IV. c. 2. Much curious information on the subject of official liveries is to be found in *Observations on Four Illuminations*, of the time of Henry VI., by the late Mr. G. R. Corner (1865), pp. 8–16. See after, pp. 422, 423.

or turned out of the Gild. Among the Ordinances of the Gild of St. Anne, in the church of St. Lawrence, Jewry, London, were the following :—"If any of the company be of wicked fame of his body, and take other wives than his own, or if he be single man, and be hold a common lechour or contekour, or rebel of his tongue, he shall be warned of the Warden three times; and if he will not himself amend, he shall pay to the Wardens all his arrearages that he oweth to the company, and he shall be put off for evermore. And if ony man be of good state, and use hym to ly long in bed; and at rising of his bed ne will not work, but [?ne] wyn his sustenance and keep his house, and go to the tavern, to the wyne, to the ale, to wrastling, to schetyng, and in this manner falleth poor, and left his cattel in his defaut for succour; and trust to be holpen by the fraternity: that man shal never have good, ne help of companie, neither in his lyfe, ne at his dethe; but he shal be put off for evermore of the companie[1]." One brother was not allowed to belie or wrong another; if he did he was fined by the Gild (pp. 55, 81, 95). Unruly speech or behaviour at the morn-speeches or towards the Alderman was forbidden, and peaceable, civil conduct at the feasts was strictly enjoined. In the way of arbitration, it was made a part of the duty of either the brethren and sistren themselves, or of their officers, that if any dispute should arise between one brother and another, they should do all they could to "bring them at one," to settle the quarrel; and not until this was tried might the disputants go to law. Fines were imposed upon any of the brethren who should take action against another without first submitting the quarrel to this "Council of conciliation;" and the officers of the Gild were also bound under penalties to use their best skill to make the peace (pp. 21, 96, 183, 450, 451)[2].

The foregoing sketch, though it does not pretend to dwell on all

[1] Quoted in Strype's *Stow*, bk. iii. p. 48.

[2] See the pages under "Arbitration" in the Index. Compare also the method of settling disputes in Bristol and Bromfield, pp. 426, 442.

points, and necessarily leaves untouched many details of interest, such as those relating to dress, food, prices, &c., may serve to indicate the picture of our old Gilds that lies among the Returns of 1389. One thing comes out clearly; that though a Gild might be founded to carry out some special object, as often was the case,—as for the support of a church, the maintenance of an altar, or a play, the ringing of bells (pp. 288, 294), the keeping up of Records (p. 287), or of minstrelsy (p. 294), or for the encouragement of crafts and trade,—the same general features and the same ideas were common to all, but that these became modified or added to, according to the special need of the Gild.

A part of the subject, of an historical value, which cannot be further gone into here, and one for the study of which this volume furnishes much material, is the relation and connection of Gilds with the Corporate bodies of towns [1]. The authorities and opinions on this point are numerous and conflicting; my father intended that the glance at the part taken [2] by Gilds in the cities whose Records are given in Part III., the contrast even between their bye-laws and those of the municipal bodies, together with the fuller accounts of others, such as the Gild of Holy Cross, Birmingham, the Gilds of Exeter, of Berwick, and of Coventry, should be made to elucidate this matter. To this also London, with her numerous Social Gilds and Craft-Gilds, would have brought her testimony and swelled the illustration [3]. But this,

[1] Several notes bearing on this subject are on pp. 126, 239, 250, &c. See also, as showing the connection between the Gild and the town, the Ordinances of Southampton before referred to (p. xxvii. *note*).

[2] See pp. 357, 411, 430.

[3] Among the Returns, there are several from London Social Gilds, three important examples of which are now printed. Stow, in his *Survey of London*, gives the Ordinances of some others of later date, as well as of some of those of which the Returns remain (Bk. ii. p. 75; Bk. iii. pp. 34, 48, 62, 118, 148). Of three of the ancient Craft-Gilds of London, the Esterlings, the Sadlers, and the Weavers, curious particulars may be found in Herbert's *Livery Companies*, vol. i. pp. 10–17; Madox, *Firma Burgi*, p. 26; and the *Liber Custumarum* of London (edition pub. by Master of the Rolls), Part i. p. 416. The work by Herbert, which treats of the Craft-Gilds of London and their later exclusive development, is well known.

with the farther tracing of the history of English Gilds, and particularly the story of their destruction, and the "confiscation" of their property under the Act of Edward VI.[1] (1 Edw. VI. c. 14), by which many were so entirely ruined and swept away, that even their very names and existence have been forgotten[2], must be left for a future day.

All that may be now done is to point out to the inquirer that under the Act for dissolution of Colleges (37 Hen. VIII. c. 4) the possessions of certain fraternities, brotherhoods, and gilds, that had been dissolved with the colleges and chantries, were vested in the Crown; and that the King was empowered to send out Commissioners to seize the possessions of others, under the plea that they should be "used and exercised to more godly and virtuous purposes," the Commissioners being directed to return Certificates "in writing of their doings in the same" into the Court of Chancery (§ 6)[3]. The Act of 1 Edw. VI. c. 14 went further than this: after completing the demolition of colleges, free chapels, and chantries, it proceeded not only separately by name to vest in the King all sums of money devoted "by any manner of corporations, gilds, fraternities, companies or fellowships, or mysteries or crafts," to the support of a priest, obits, or lights, [which might be taken under colour of religion,] but to hand over to the Crown "all fraternities, brotherhoods, and gilds, being within the realm of England and Wales and other the King's dominions, and all manors, lands, tenements, and other hereditaments belonging to them or any

[1] See pp. 196, 203, 249–251, 259. My father's indignation was roused by his researches into the story of their fate. In a MS. Note he remarks that, for the "abolition of Monasteries [there was] some colour, and after professed inquiries as to manners: moreover allowances [were] made to all ranks. But in case of Gilds (*much wider*) no pretence of inquiry, or of mischief. And no allowance whatever. A case of pure, wholesale robbery and plunder, done by an unscrupulous faction to satisfy their personal greed, under cover of law. No more gross case of wanton plunder to be found in History of all Europe. No page so black in English History."

[2] See pp. 200–203.

[3] It was under these two sections that the "Certificates of Colleges," sometimes employed in this volume (see Index), were put on record. See § 12, on next page.

of them, *other* than such corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts, and the manors, lands, tenements, and other hereditaments pertaining to the said corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts, above mentioned" (§§ 6, 7). Power was given to send out Commissioners to survey all "lay corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts incorporate," and to assign and appoint, in specified ways, the disposition of their lands and property. These Commissioners also were bound "to make Certificate under their seals, or the seals of two of them, at the least, into the Court of Augmentations and Revenues of the King's Crown, or into any other Court as is aforesaid, within one year next after the Commission to them directed, of all manors, lands, tenements, rents, tythes, portions," &c. so assigned by them (§ 12)[1]. And all the lands, &c. seized under this Act were to be "in the order, survey, and governance of the King's Court of the Augmentations and Revenues of his Crown" (§ 19). My father says of these two acts in another place,—"The Act of 37 Hen. VIII. c. 4, passed in 1545, put this wanton and wicked pillage of public property as necessary 'for the maintenance of these present wars;' but it also cleverly put into one group 'colleges, free-chappelles, chauntries, hospitalles, fraternities, brotherhedds, [and] guyldes.' The Act of 1 Edw. VI. c. 14, was still more ingenious; for it held up the dogma of purgatory to abhorrence, and began to hint at Grammar Schools. The object of both Acts was the same. All the possessions of all Gilds, except what could creep out as being trading Gilds (which saved the London Gilds), became vested, by these two Acts, in the Crown; and the unprincipled courtiers who had devised and helped the scheme, gorged themselves out of this wholesale plunder of what was, in every sense, public property[2]."

The original MSS., from which the documents in Part I. and many of those in Part II. of this volume are printed, are in the

[1] See previous note.

[2] *Old Crown House*, p. 36. See further, *ib.*, pp. 37–39.

Public Record Office, where they are known as "Miscellaneous Rolls, Tower Records[1];" they consist of three bundles, containing in all 549 skins or membranes. Of these membranes, the greater part are vellum and parchment. My father, however, made the interesting discovery that some of them are Paper of a very peculiar kind, hitherto unknown[2]. The documents have a great variety of shapes and sizes, from the strip three or four inches wide and twelve or fourteen inches long, and the nearly square piece eight or nine inches wide, to the lengthy writing, which fills a large sheet, or two, three, or four skins tacked together, edge to edge. A few are written and stitched up in the form of small books (pp. 40, 44, 262).

[1] They are described as "Certificates of Gilds" in the *Third Report of the Deputy Keeper of Public Records* (1842).

[2] To the description of this Paper given by my father, on pp. 44, 132, I add the following extracts from a letter published by him in the *Birmingham Daily Post* of March 2, 1865. "The introduction of specimens of linen paper into England, is known to have happened in 1342, possibly earlier. Some letters from abroad during that early time are written on linen paper; and there is a Register-book which belonged to the Black Prince, which is of linen paper. [See "þe papir," mentioned on p. 5.] But the few instances thus known, are considered to have been the importation from abroad of a special rarity, which only came, and that not often, into the hands of the wealthy. The manufacture of paper in England has been supposed to go no farther back than Elizabeth's time; but earlier entries have proved that there was at least one paper-mill in England as early as Henry VII. Neither the official use nor the manufacture of paper, so early as 1388, has hitherto been suspected. I have now proved the former to be a certain fact, and the latter becomes a probable one . . . [After describing the Writs to the Sheriffs (pp. 127, 130), and the instructions therein]—I find several of these instructions still existing, written upon paper; and I find that, in several cases, where the answer of the Sheriff was on a separate sheet, the latter is also paper, though of a different quality, sometimes, from that on which the instructions received by him were written. None of the ways in which the existence of paper can be accounted for, as before said, in previously known instances of the use of linen paper, can explain the use of paper in this case. It becomes proved that linen paper was used in public offices in London, and also used by some of the country gentlemen, who then were Sheriffs of distant shires, at the end of the fourteenth century. It is difficult to believe that it can have been thus used unless it were made in England . . . Paper of later times loses its sizing after some century or two, and becomes soft and rotten. But this paper, after nearly 500 years of very bad treatment, which has caused the decay of many parts, even of the vellum documents among which it is found, remains as firm, tough, and sound, as the best specimens of vellum that remain uninjured among it. No such paper is now made."

These Records were said, in 1842, to "require repair," and indeed, such has been their unheeded and forgotten condition, that, when my father first had them out, many of them had to be flattened, stamped, and prepared for his use. Dirty, eaten away by rats and decay, many of them partially illegible (though many still remained in good condition), these Records presented the appearance of having, till quite recently, lain unheeded and unread for centuries past; and, except in one instance[1], my father was not aware that any have ever before been printed, though, to one or two authors their existence may have been known. In *Memoirs illustrative of the History and Antiquities of Norfolk*, published in 1854, allusion is made to the "Returns made into Chancery, in the twelfth year of Richard II.'s reign, of the original objects, endowments, and extent of Gilds generally" (p. 142). But when Herbert wrote his *History of the Livery Companies of London*, (1837), the existence of these Records was quite unknown, for, after citing the Writ to the Sheriffs of London, given on p. 127, from a copy which must have been preserved among the City Records, he says,—"the Tower Records [of which these Returns form a part], as well as those of the City, have been diligently searched for the Returns made in consequence of this proclamation, *but none are to be found*, except those which relate to the Ecclesiastical Gilds[2]." In Strype's edition of Stow (1720), though reference is made to the inquiry as to Gilds in the time of Richard II., and an instance is narrated in which (apparently) the Wardens of a Gild came before the Chancery personally, to deliver their Return[3], this knowledge was probably gained, like Herbert's, from Records remaining in the City, no reference being made to those of the Tower.

[1] In a paper communicated to the Norfolk and Norwich Archæological Society by Messrs. J. L'Estrange and Walter Rye (who obligingly called my father's attention to it), eight of the Returns from Norwich Gilds were printed, of which all but two very short ones are included in this volume. Mr. Rye was good enough to send me a copy of this paper, but I believe the Returns in this volume were all copied and in type before my father heard of it.

[2] Vol. i. p. 36.

[3] Bk. iii. pp. 48, 145.

The language and the writing of these Records have been noticed before (p. xxv.; of the writing, a remarkable specimen is described in a note to p. 175).

Of the Returns thus existing in the Public Record Office, this volume contains the whole of those that are written in English, to the number of forty-nine. Translations and abstracts are given of some of those that are in Latin and French, and references are made to many more. The number of documents is, however, so great that my father found it impossible to use even all the extracts he had intended for this work, and many of interest remain unnoticed. The Public Record Office has also afforded other contributions to the history of the Gilds (p. 126), among which are the "Certificates of Colleges" (pp. 197, 247, &c.), and other records.

Other sources whence original MSS. have been derived, as the Libraries of Oxford and Cambridge, the British Museum, Municipal Archives, and private stores, are each acknowledged, and pointed out in the places where they occur, together with descriptions of the originals, in the notes appended to each[1]. Wherever my father could, he collated the print himself with the utmost care, in each case twice comparing it with the original. All those in Part I. and many of those in Part II., thus passed under his eye. To those gentlemen who collated others for him, his obligations are recorded.

In conclusion, there remains the pleasant duty of acknowledging,

[1] The Roll of Winchester "Usages" demands a few words here. The note upon it was written, and the whole had gone through the press, without either my father or myself being aware that, several years ago, Mr. Smirke had printed in the *Archæological Journal* (vol. ix. p. 69) a document, in old French, found by the Rev. Mr. Gunner among the muniments of Winchester College, which is in fact another version of these "Usages." The age of this French MS. does not seem to be known with certainty, but it seems to be of nearly the same date as the English one. Both must have been taken from the same original, one perhaps a little later than the other, as there are several variations between them; and the comparison of the two is of much interest, each helping to clear up the obscure passages of the other.

I may say that I shall feel much obliged by any communications from those, in towns and other places, who have access to original MSS., especially in English, which will help to give further information on the character and purposes of the Gilds in England.

for my father, the friendly suggestions and valuable loans that were made to him, both by many to whom he was an entire stranger as well as by personal friends, for which he had the liveliest feeling. For myself, I must be permitted to express my grateful sense of the kindness and courtesy which I have met with from my father's correspondents and friends (particularly those whose MSS. and books were left in the care of one unknown to them), and other gentlemen, well known for their literary and antiquarian learning, with whom I have had communication. Without their assistance, freely given, what has been to me, though a labour of love, yet a somewhat difficult task, could not have been accomplished, and to all of them I beg to offer my best thanks. Conscious of the imperfections and omissions that must necessarily occur in my part of the work, I yet may join in my father's often expressed desire, that it should be "useful to the people," and to that hope I dedicate the book, with the knowledge that some at least will believe, "She hath done what she could."

LUCY TOULMIN SMITH.

HIGHGATE, LONDON,
December, 1869.

ON THE

HISTORY AND DEVELOPMENT OF GILDS,

AND THE

ORIGIN OF TRADE-UNIONS.

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BY

LUJO BRENTANO,

OF ASCHAFFENBURG, BAVARIA,

Doctor Juris utriusque et Philosophiæ.

[750 Separate Copies of this Essay have been printed.]

TO

JOHN MALCOLM LUDLOW, Esq.,

OF LINCOLN'S INN, BARRISTER-AT-LAW,

ONE OF THE

TRUEST FRIENDS TO WORKING-MEN IN ENGLAND,

THIS ESSAY

IS DEDICATED BY ITS WRITER.

PREFACE.

In order to study the English labour-question, I joined, in the summer of 1868, my master, Dr. Engel, Director of the Royal Statistical Bureau at Berlin, on his journey to the English manufacturing districts. But after a few weeks' inquiry, I was convinced that a thorough knowledge of the position of the English working-classes would require a sojourn of months in their country. I therefore resolved to remain longer in England. Working-men's Associations of every kind, and the History of Labour in England, became the chief objects of my study. At last, in May 1869, I left England, with my portfolio full of the materials I had collected. But I had scarcely returned home, when I was asked by Mr. Furnivall to write a General Introduction to Mr. Toulmin Smith's work on English Gilds, which he had left unfinished at his death. As I unfortunately had not had the honour of knowing Mr. Smith personally, and therefore knew nothing of his ideas as to Gilds, I at first hesitated to accede to Mr. Furnivall's request. My scruples increased when I considered that I was to undertake a work which ought to have been done by a man of great learning and repute. And, indeed, now that my work is finished, I am so fully alive to its many deficiencies, that I greatly fear my undertaking this work will be thought by many, too daring. But I hope the fairness of the reader will not let him measure my essay by his conception of what such an outline as the present ought to be. I can only say that for many years past I have been deeply interested in this subject, that what I offer here to the reader is the result of much hard work and of many laborious personal researches in Libraries and Record-Offices, and that I have put forth my results in the best way I could, seeing the short time allowed me to write this essay in.

The reason why I finally resolved to comply with Mr. Furnivall's request, notwithstanding my hesitation, was, that I owe great thanks to my English friends who had drawn his attention to me. I had learnt so much from them during my stay in England, that when an occasion presented itself to repay them in some way by a work which might be of use to them, I felt obliged to disregard any personal considerations. On acceding to Mr. Furnivall's desire, I observed however, that I must write my essay quite independently, without consideration as to what Mr. Toulmin Smith would have said in his Introduction. He would probably have dwelt more fully on English Gilds only, and would have brought forward more direct information as to them than I should be able to do. I, on the contrary, was requested by Mr. Furnivall to treat on Continental Gilds as well as English. And I complied with his request with the more pleasure, as I believed that illustrations from the Continent might often help students to understand the development of English Gilds, where clear and direct accounts of them are wanting. Often, indeed, the Gilds on the Continent differed in development and circumstances from those in England, as I have repeatedly pointed out in this essay. But I strongly believe that the continual intercourse between the towns of the several trading countries of the Middle Ages, kept up especially by the Hanse Towns, may not have been without influence in producing a general similarity of development of burgensic life in them all.

What I offer to the reader in the following pages is by no means a history of Gilds, complete and exhaustive. My desire has been simply to give a clear idea as to what the various kinds of Gilds were, and to sketch in free outlines how each kind of Gilds originated, grew powerful, and degenerated; on which the Gilds of another class of citizens took their place. I have always taken special care to point out the analogies between the old Gilds and those existing in our days among working-men, the Trade-Unions; and I shall indeed consider it the greatest reward for all my labour spent on this work, if it contributes to set the Trade-Unions in a truer light.

Throughout the whole essay I have most conscientiously re-

ferred to the sources of my statements, and to the various authors to whom I am indebted. I am very sorry that, when writing the essay, I was not acquainted with the works of Mr. Toulmin Smith quoted by Miss Smith in her excellent Introduction.

Before concluding, I wish to express my sincere thanks to all those who have helped me in my work, especially to Mr. Furnivall. He has with great zeal and kindness revised the translation of my essay and the proofs; and has besides added, from early English literature, a few notes in illustration of my text. He also procured from Professor Stubbs the communication as to bondmen in towns, in the Additional Note 3; and has drawn my attention to a few points which wanted further explanation for the English reader. I have made some additional notes on these points, which follow the Preface, namely, as to the origin of Gilds, as to my appellation *Religious Gilds*, and as to the companies of bond-handicraftsmen. I wish to thank, besides, especially Mr. J. W. van Rees Hoets, M.A., of Trinity Hall, Cambridge, and the other friends of Mr. Furnivall and myself who have helped in the translation of parts of this essay. It was hard work that they performed, and they did it well.

L. BRENTANO.

ASCHAFFENBURG, *Jan.* 21*st*, 1870.

NOTES.

1. *Note to p. lxxiv, as to the Origin of Gilds.*

Mr. Furnivall asks me to make much more emphatic my statement as to England's being the birthplace of Gilds. He thinks, besides, that my derivation of the Gilds from the family, contradicts the supposition of the origin of Gilds in England. He writes accordingly to me:—"I certainly suppose your Part I. to mean that the Gilds were developed well in early times—indeed, on the Continent—and brought over here with the Anglo-Saxon settlers. You do not say so in exact words; but your terms as to family-life, and neighbours meeting at sacrificial feasts, imply an earlier stage of civilization, more of a growth in Saxon wilds, than the (more or less) organized bodies of immigrants here were in, or had."

Now, I wish to declare here most emphatically that I consider England the birthplace of Gilds. But, at the same time, I wish to deny quite as emphatically, that what I have said on p. lxix as to the family, implies a stage of civilization before the immigration of the Anglo-Saxons[1]. I refer here once more, as I did in the note on p. lxix, for my statements as to the importance of the family among the German tribes, to the work of the greatest living master in German history, to the *Deutsche Verfassungsgeschichte* by Waitz. The reader will find there, that even after the German tribes had settled in fixed abodes, the family was of importance even within the community, which was founded then on the mere local relation of neighbourhood; and that this importance still continued when the division into hundreds not only existed, but was even prevalent. When the community based on local relations, and no more on kinship, came into existence, all the *political* interests fell at once into its sphere. But all that regards the *relations of private law*—the legal protection of life, limbs, and property—was still for a long time provided for by the family. The Frith-Gilds, however, were only to take the place of the family as to these relations of private law, and not as to its long extinct political importance. The Frith-Gilds, therefore, did not come into existence contemporaneously with the origin of the community based on local relations, and with the formation of the State, but only later, when the family began to lose its importance in matters of private law also. But the family had undoubtedly still this latter importance when the Anglo-Saxons came to England; this

[1] "But þe Saxons acorded for no þynge
þat þe Anglys schuld be þer kyng;
þey hadde wel leuere, þe Saxons seyd,
þat þe lond were in partis leyd,
þan þe Anglys of þe out ildes
Schulde be chef of alle þer *gyldes*."

1338 A.D. Robert Manning of Brunne's *Stori of Englande*, ii. 511, l. 14741–6. ed. F. J. F. 1870. (He is speaking of the settling of the Angles in East-Anglia.)

is proved by the very laws of Ina and Alfred which I speak of on p. lxxiv. According to them, the paternal and maternal relatives of an offender are responsible in the first degree for his crime.

2. *Note to pp. lxxxvi, lxxxvii, on the name "Religious Gilds."*

As I see from a note added by Mr. Furnivall on p. lxxxvii, I was wrong in my supposition (see p. lxxxvi) as to the reason which induced Mr. Toulmin Smith to change the hitherto usual name "Religious" into "Social" Gilds. But Mr. Furnivall is equally mistaken as to my reasons for maintaining the old appellation. As he thought, however, that these reasons were to be sought for in connexion with the fact of my being a Roman-Catholic, and as he has even asked me to state this fact to my readers, in order to caution them against my prejudices, I wish only, while doing this, to add a few words more on the real reasons for my calling these Gilds "Religious."

Now, to call the said Gilds "Religious" because of their ornament of a saint's name would seem to me quite as "monstrous" as to Mr. T. Smith or to Mr. Furnivall. If this had been my reason, I should certainly call by the same name all or most of the other Gilds in the Middle Ages, besides those in question, as well as the Trade-Union of the Knights of St. Crispin in Massachusetts, referred to the other day by the *Spectator*. This would simply be to ridicule the word "religion." I took this word in a much larger sense—in the sense it had when the old Gilds existed. I fully agree with Mr. T. Smith, that the objects of the said Gilds were social ones. But the exercise of these very social duties, to which the Gild brethren were bound by the Gild statutes—mutual assistance, the aid of the poor, of the helpless, the sick, of strangers, pilgrims, and prisoners, the burial of the dead, and even the keeping of schools and schoolmasters—was considered, in the time when these Gilds existed, as an "exercise of religion," *obsequium religionis*, as Hincmar calls it (see pp. lxxxii, lxxxiii). These deeds were considered but the practice of the religious maxim, "Love thy neighbour as thyself;" and most of them were taught to the people of the Middle Ages in a classification invented by the scholastics[1], as the *opera corporalia misericordiæ*. Now, it can be easily understood that the people who considered the objects of these Gilds as "religious," gave the same name to the Gilds themselves which pursued these objects. In maintaining this name, I simply followed the example set by the Protestants as well as Roman-Catholics of all countries who have hitherto written on the subject. My reason was partially that I thought a historical treatise ought to give its subject its historical name; but especially, as I pointed out on p. lxxxvi, that I feared that to call these Gilds "Social" Gilds, might mislead men to the opinion that the other kinds of Gilds were based on other than the same social principles on which these Gilds rest. How the bad morals of the Roman clergy in the fourteenth century in England can prevent any one from calling the Gilds

[1] They founded it on Matt. xxv. See *S. Thomæ Summa Theol.* ii. 2. qu. 32. art. 2.

existing among the laity from the days of Hincmar to the Reformation "Religious," I am at a loss to understand. If the clergy were so little religious, I would rather refuse the name of "Religious" to the Social Gilds existing among them, to the Gilds of the Kalenders. Yet Mr. Furnivall thinks that these last-named Gilds must be called so. But I am told also by another friend, that the sense of the word "Religious" is to-day different in English from the sense in which I used it, and that it would mislead the reader as to the character of the said Gilds. I therefore fully agree to the addition made by Mr. Furnivall to the title of my Part II., for certainly the *main objects* of these Gilds we should to-day call "Social."

3. *Note to p. cxiv, on Bondmen in Towns and their Companies.*

Mr. Furnivall thought that the existence of bondmen in towns and of the companies into which they had been ranged by their masters, was a fact yet so little known to the English public, that a more detailed note on them would not be out of place. I therefore give a short statement as to the inhabitants of Worms, according to Arnold [1].

At Worms there existed at the beginning of the eleventh century the Community of the Manor of the Bishop (*die hofrechtliche Gemeinde des Bischofs*) on the one hand, and on the other the Community of the Old Freemen. To the former (the so-called *familia S. Petri*) belonged the *ministeriales, fiscalini,* and *dagewardi* (villeins). The villeins were obliged to render common services to the bishop, either as *coloni* (villeins on the country manor), or as *operarii* (handicraftsmen). Their bondage was exceedingly mild. The amount of their wergild is not stated; but there is no doubt that it was paid entirely to the Church. The marriage between the *dagewardi* and the *fiscalini* was a morganatic one; the children of it became *dagewardi.* The larger part of the later handicraftsmen sprang from this class of villeins. They were ranged, according to the kind of their services, into unions (*societates*), which had an episcopal *ministerialis* as president (*minister*). These unions, later on, developed themselves into Craft-Gilds. The villeins who did not work as handicraftsmen, served as *coloni* on the estates, where they were under the superintendence and jurisdiction of a *minister loci,* like the handicraftsmen under that of their president. Next to the villeins came the *fiscalini,* so called because originally servants to the *fiscus,* and belonging to the royal palace. They rendered no common services, but services at court and in war. They too were ranged into *societates.* But their unions soon became extinct. First in the *familia* were the *ministeriales.* In opposition to these were the old freemen, who always preserved their privileges of rank before the bond-handicraftsmen, and who, later on, developed into patricians.

[1] Arnold's *Verfassungsgeschichte der deutschen Freistädte,* vol. i. pp. 66-69. Compare also the more popular treatise of Barthold, *Geschichte der deutschen Städte und des deutschen Bürgerthums,* vol. i. pp. 77, 78, 148, 149, 280, and others

As there may be but few Englishmen who know that in England also villeins existed in towns, I insert here a note of one of the best Middle-Age men in England, the Rev. Professor William Stubbs, of Oxford, who kindly sent to Mr. Furnivall this note in answer to his question on the point:—"In all towns *not chartered* there would be a class of *villani* exactly the same as in the country manors. The force of the bondage would of course vary, generally, very much from anything of the kind on the Continent. But as originally all *towns* were in demesne of some lord, bishop, or king, all the inhabitants would be less than free: and even where some had obtained the dignity of *burgage*=socage tenure, still, until the town was freed by a charter, there would be a large residuum of *villani*, whatever the hardship of English villenage may have been."

4. *Note to p. lxxxiv, note* 1.

Mr. Ludlow answers this note as follows:—"I beg leave to say, that I am perfectly in earnest in saying that tramp-money in all probability is the modern representative of the relief to pilgrim-artificers; not that all pilgrim-artificers were workmen on the tramp, because I believe, with you, that these were a rare phenomenon in the fourteenth century—though I believe some were—but because I believe that this kind of pilgrimage tended necessarily to supersede the other, and therefore would naturally inherit its advantages. Your reference to the 12th R. II. c. 3 is correct; but if you want a counter authority, see the 25th Edward III. St. i. c. 7, which shows that 'artificers' also were expected to 'flee' from one county to the other in consequence of the law itself. Now a pilgrimage to a shrine would evidently be the safest colour for such a migration; under all circumstances it would afford the best safeguard against local exactions and maltreatment. See also as to the abuse of pilgrimage the 12th R. II. c. 7."

This explanation is very ingenious. Yet it does not convince me. The artificers whom the 25th Edw. III. expects to flee from one *county* to another, seem to me not to have been town-artificers. They were, in my opinion, artificers working on the country manors of lords. Each country manor had in the Middle Ages its own artificers, who supplied the common wants of their lords, whilst the latter resorted only for their more refined wants to the craftsmen of the towns. This explanation of the Act in question seems to me the more probable when we consider that all Statutes of Labourers in the Middle Ages were framed especially with regard to the powers and wants of the landed proprietors, the feudal lords. In towns, labour was generally regulated by town-ordinances. Besides, we must remember that the exercise of a craft in towns depended on having served an apprenticeship in such towns, and on citizenship (see p. cxxix). A fleeing craftsman would not therefore have been admitted into towns to carry on his craft. Such fleeing to towns therefore would have been useless.

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[1] Mr. Hensleigh Wedgwood's derivation of the word is as follows:—"GUILD. Danish *gilde*, feast, banquet, guild or corporation; Platt-Deutsch *gilde*, a company, corporation, society of burghers meeting on stated occasions for the purpose of feasting and merrymaking. The primary meaning is a feast, then the company assembled; and the same transference of signification will be observed in the word *company* itself, which, signifying in the first instance 'a number of persons eating together,' has come to be applied to an association for any purpose, and, in the case of the City Companies, to the very associations which were formerly denominated Guilds.

"It is a mistake to connect the word with the German *geld*, payment. The real derivation is to be found in Welsh *gwyl*, Breton *goel*, *gouil*, a feast or holiday, *gouélia*, to keep holiday; Gaelic (with the usual change from the Welsh *gw* to *f* initial), *feill*, a feast, holiday, fair or market; Manx *fealley*, festival, sacred, hallowed. The Irish *feil*, or *feighil*, is explained the vigil of a feast, sometimes the feast itself, leading to the supposition that the word is a mere corruption of the Latin *vigiliæ*. But the Welsh and Breton forms could hardly have been derived from that origin, and we find a satisfactory explanation in a native root, Welsh *gwylio*, to watch, be vigilant, to look for; *gwyled*, to behold, to see; *gwylad*, keeping a festival, the notion of keeping or observing being commonly expressed by the figure of looking. Breton *gwel*, look, sight, action of seeing. In a similar manner, from *wake*, to be vigilant, to watch, we have the *wakes*, the festival of the patron saint; Welsh *gwyl-mabsant*, German *kirchweihe* (*weihen*, to consecrate), where the ideas of waking or keeping, and consecration or holiness, are connected together in the same way as in Manx *fealley*.

"The Dutch form *gulde*, a feast (populare convivium), also a guild or corporation, closely resembles the Gothic *dulths*, Bavarian *duld*, a feast: *Osterduld*, Easter. In modern times *duld* is applied to a fair or market, commonly kept on the saint's day of the place. *Dulden*, like Breton *goelia*, to solemnize. *Tuldan*, celebrare; *tultlih*, solennis.—Kero in Schmeller." *English Etymology*, i. 191–2.—(F. J. F.)

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[1] See Note, p. lvii.

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I. THE ORIGIN OF GILDS.

THE oldest reliable and detailed accounts which we have of Gilds come from England; they consist of three Gild-statutes[1]. According to the latest investigation[2] into the origin of Gilds, the drawing-up of all these statutes took place in the beginning of the eleventh century. In the case of one of these Gilds, there is no doubt whatever as to the accuracy of this date. This Gild was founded and richly endowed by Orcy, a friend of Canute the Great, at Abbotsbury, in honour of God and St. Peter. Its object, according to the statutes, appears to have been the support and nursing of infirm Gild-brothers, the burial of the dead, and the performance of religious services, and the saying of prayers, for their souls. The association met every year, on the feast of St. Peter, for united worship in honour of their patron saint. Besides this, there was a common meal; and in order that the poor might also have their share in the joys of the festival, they received alms on the day of the feast; for which purpose the Gild-brothers were obliged to furnish, on the eve of the day, contributions of bread "well boulted and thoroughly baked." Guests were only admitted to the common meal by permission of the Master and Steward. Insults offered in a malignant spirit by one brother to another, were punished on the part of the Gild, and had also to be atoned for to the insulted. He who had undertaken an office, but had not properly discharged its duties, was severely punished.

The Exeter Gild, whose statutes have likewise been preserved, was of altogether the same character[3]. Here, however, association

[1] See these in Kemble's *The Saxons in England*, vol. i., Appendix D; and compare with them the translation in Eden's *State of the Poor*, vol. i. p. 591, &c.

[2] Hartwig, *Untersuchungen über die ersten Anfänge des Gildewesens*, in the *Forschungen zur deutschen Geschichte*, edited by Waitz, Göttingen, 1860, vol. i. p. 136.

[3] See also the Introduction to Mr. Smith's *Gilds* by Miss L. T. Smith, p. xviii.

for the purpose of worship and prayer stands out more prominently as the object of the brotherhood than in the former case. Three times a year the Gild-brothers assembled to worship together for the well-being of their living and dead fellow-members. Here, also, every such service was followed by a meal in common. When any brother died, every member was obliged to perform special devotions for the departed soul. The mutual care of the Gild-brothers was, moreover, shown by money-contributions in case of death, and in the support of those who went on a journey, as well as of those who had suffered loss by fire. Punishments were decreed for insults offered by the Gild-brothers to each other, as well as for not fulfilling the duties imposed on them by the Gild.

The statutes of the Gild at Cambridge show that its main object was altogether different from that of the two already mentioned. At the very outset, in the oath which every member had to take on the relics of the patron Saint of the Gild, they swore faithful brotherhood towards each other, not only in religious, but also in secular matters; and though the statutes secured for the Gild-brothers the same support in case of sickness and death as those of Exeter and Abbotsbury—and, like those, contained regulations with reference to alms, divine worship and feasts—yet all these objects were but insignificant in comparison with the measures for the protection of the members of the Gild against criminals, and even against the evil consequences of their own wrongdoing. The following may be considered a first principle: "If one misdo, let all bear it; let all share the same lot;" and for carrying this out, a complete organization existed. If one of the Gild-brothers required the help of his fellow-members, the inferior officer of the Gild living nearest to him had to hasten to his aid; should the officer neglect this, he became liable to punishment, and in like manner the head of the society, should he be remiss in affording help. If a Gild-brother was robbed, the whole Gild had to assist him in obtaining compensation from the lawbreaker. So also every Gild-brother was obliged to help, if a member himself had to make atonement for killing a man. If, however, he had no justifiable motive for committing the act, if he had not been provoked to it in a quarrel, if he was not under an obligation to execute vengeance, but had slain the man merely from malice, he himself had to bear the consequences of the deed. If one Gild-brother killed another, he had first to reconcile himself with the kinsmen of the murdered man, and had moreover to pay eight pounds to all those belonging to his larger family, namely, the Gild; failing which, he was shut out of the society, and the

members of the Gild were forbidden to hold friendly intercourse of any kind with him. In like manner, an insult offered by one Gild-brother to another was severely punished. The solidarity of the society was even shown in the case of violence and damage to property, which one member might have suffered from the servant of another; the master of the servant was answerable for him, and was sued by the society for compensation. It was, moreover, a leading principle of the society, to which every member had to bind himself by oath, always to support him who had right on his side.

The essence of the manifold regulations of the statutes of these three Gilds appears to be the brotherly banding together into close unions between man and man, sometimes even established on and fortified by oath, for the purpose of mutual help and support. This essential characteristic is found in all the Gilds of every age, from those first known to us in detail, to their descendants of the present day, the Trade-Unions. According to the variety of wants and interests at various times, the aims, arrangements, and rules of these unions also varied. As a rule, the Gild-brothers periodically assembled together for common feasts.

The inquiry as to where these features of the Gilds are first met with in earlier times will, perhaps, also yield an answer to the inquiry into the origin of Gilds themselves. The Northern historians, in answer to the question, whence the Gilds sprang, refer above all to the feasts of the German tribes from Scandinavia, which were first called Gilds. Among the German tribes, every occurrence among the more nearly related members of the family required the active participation in it of them all. At births, marriages, and deaths, all the members of the family assembled. Banquets were prepared in celebration of the event, and these had sometimes even a legal signification, as in the case of funeral banquets, namely, that of entering on an inheritance; and, when they concerned kings, that of a coronation. Wilda narrates in detail the circumstances of a banquet of this kind, at which the son and heir, in the midst of his own and his father's companions, toasted his father's memory, and vowed to imitate his worthy deeds; the companions took similar vows upon themselves. Further, great social banquets took place on occasion of the sacrificial assemblies at the great anniversary festivals, which coincided with the national assemblies and legal assizes, and on occasion of important political events; and at the same time the common concerns of the community were deliberated on at these banquets. Moreover, they also furnished an opportunity for the conclusion of those alliances for purposes of plunder or war, of which we have accounts, especially in the case of Sweden

and Norway, as well as of those close unions of friends, in which, according to the Scandinavian Sagas, two warriors of antiquity were wont to confederate for life or death, for common enterprises and dangers, and for indiscriminate revenge when one of them should perish by a violent death[1]. Every freeman was obliged to attend these feasts, and bring with him whatever food and drink he might require. Hence these feasts were also called Gilds; for "Gild" meant originally the sacrificial meal made up of the common contributions; then a sacrificial banquet in general; and lastly, a society. When in later times Christianity spread itself in the North, the sacrificial banquets, with all their customs and ceremonies, remained in existence, and Christ, the Virgin Mary, and other saints, stept into the place of Odin and the rest of the gods[2].

Neither Wilda, the principal writer on Gilds, nor Hartwig, who has made the latest researches into their origin, is able to discover anything of the essential nature of Gilds, either in what has just been related about the old family and its banquets, or in the sacrificial assemblies; and it is only as to the one point of the custom of holding banquets on the occasion of anniversary festivals, that Wilda is inclined to derive the Gilds from them. But of the essence of the Gild, "the brotherly banding together in close union, which expressed itself in manifold ways in the mutual rendering of help and support," he finds no trace. "The banquets," he urges as his principal objection, "were either casual meetings to which every one, as he thought proper, invited his friends, or which several people prepared in common, and which did not produce any more intimate relationship than that already existing from the actual bond of the family, or state, or neighbourhood; or they were meetings in which every one of the nation was able, or was obliged, to take part. There appears in them nothing of any closer voluntary confederacy of the members within, or by the side of, the union caused by the State or religion[3]." Hartwig considers these objections of Wilda's conclusive, and believes that from the continued existence of pagan ceremonies even amongst the religious Gilds, and from the custom of holding feasts, nothing whatever can be deduced which is essential to the Gilds[4].

Now these feasts cannot certainly be compared with the

[1] Münter's *Kirchengeschichte*, vol. i. p. 181, &c., quoted in Wilda's *Gildewesen im Mittelalter*, p. 29.

[2] Compare Wilda, *Das Gildewesen im Mittelalter*, Halle, 1831, p. 5, &c.; Waitz, *Deutsche Verfassungs-Geschichte*, vol. i. pp. 49–75, 2nd ed., Kiel, 1865; Hartwig, pp. 148, 149.

[3] Wilda, p. 28.

[4] Hartwig, p. 153.

already perfectly-developed Gilds of Abbotsbury, Exeter, and Cambridge; but if we connect with them what historians relate about the family in those days, we may still recognize in them the germ from which in later times, at a certain stage of civilization, the Gild necessarily had to develope itself. The family was, according to these historians[1], a community of all-comprehending importance, and its care provided completely for nearly all the wants of the individual. This it was able to do in consequence of the then simplicity of life. The minor found in it his protection; the insulted, the natural friends who sympathized most keenly with him in every injury inflicted, and who helped him to procure satisfaction. He who would engage in those pursuits which alone in that age were worthy of a free man, and which at the same time promised riches and fame—in chase, feuds, and war—found in the family his natural allies. Naturally, he who fell into poverty, or sickness, or any other kind of distress, obtained from the family the necessary help; and it provided of course for the burial of the dead whose heir it was. These are indeed the first, and are even now-a-days the practical results of the family union. For the murdered, there arose from the midst of his family an avenger; to the robbed it gave the necessary help to prosecute and punish the thief, and to obtain restitution of the plunder. Further consequences of the nature of the family compact were, that the members were obliged to maintain peace amongst themselves; that they were not entitled to appear against each other in a court of justice; and, on the other hand, that they were called upon to punish members, especially women, who had violated the right of the family[2]. Before the community too it became answerable for its members. The payment of the forfeited *wergild* was, in all cases of offence—which according to ancient usage and custom claimed revenge—the concern of the whole family. The family appeared as such an intimate union of its members, that this responsibility of the whole body for the individual member commended itself to the sense of justice of the people as a matter of course. But as it answered for the compensation, and took part in the payment thereof, and assisted the guilty in order that he might not forfeit life and limbs to his antagonist, so it supplied the accused also with compurgators from among its members to ward off an unjust condemnation. In former times this family bond comprehended all relatives without limitation of degree;

[1] To avoid further quotations I refer to Waitz, vol. i. pp. 49–75. With reference to the Anglo-Saxons in particular, see also Lappenberg's *Geschichte von England*, vol. i. 1834, p. 587.

[2] By unchastity, as wives or girls.

but in later days it became restricted to the nearer kinsfolk. Of course these members of the family met at oft-recurring banquets, at which, as was customary among the Germans, their interests were talked over and deliberated on, just as has been shown in the above-mentioned accounts of the Scandinavian writers (p. lxviii), who agree in this with Tacitus (*Germ.* cap. 22).

If we compare this description of the family, and the accounts of the above-mentioned banquets, with the statutes of the Gilds at Abbotsbury, Exeter, and Cambridge; the family appears as the original and pattern type, after which all the later Gilds were formed; and this will be proved still more clearly in the course of this treatise [1]. The family meets us here as the closest possible union, consisting of real brothers, and so thoroughly animated with the spirit of brotherhood and of mutual assistance and support, that it brings all conceivable relations within its reach, and provides completely for nearly all those wants, the satisfying of which fell, in later times, partly to the State, and partly to the artificial societies which were formed for this very purpose. The essential nature of the Gild, as characterized by Wilda himself, is to be found in the family, and developed there even to the highest degree. We do not yet see, it is true, special associations by the side of this most intimate natural union, but neither is there room for the former, by reason of the activity of the latter. It is indeed astonishing that Wilda, who himself afterwards designates the Gilds as "imitators of the family [2]," should here altogether forget whence they were derived.

With the exception of political interests, for which the State provided, there remains only one relation for which we find no particular provision in the family, namely, Religion. Care for the interests of religion was the business of the whole nation. At the time from which our accounts come down to us, the German tribes had already taken possession of fixed habitations; the relations of neighbourhood and of living-together asserted themselves in public life, and it was natural that the interests which first after politics united neighbours for common action, were the religious ones. Families, though acting generally as independent individual bodies, and competing most keenly with each other in the pursuit of their material interests, yet united as soon as *that* interest was concerned, which—even in the times of the most barbarian arbitrariness and the most unbridled club-law, the times of the most unchecked pursuit of individual

[1] Compare especially Part III. of this Essay, pp. cii, ciii.
[2] Wilda, pp. 56–58, 130, 132, 134, 147, 153, 169, &c.

interest—was always considered as the great, the common, the social interest, the reconciliation of man with God. As if single individuals felt themselves too weak to solve this great problem, they have always, at all times, and in all religions, united for the worship of God,—frequently the whole nation, and later, in special sacrificial societies, as we see in the religious associations of the Romans[1], and still more perfectly in the religious Gilds and fraternities of the Middle Ages.

The circumstance, that we meet here, all neighbours united in one common society, and not yet that separation into closer and more restricted associations which is found in the later Gilds, can give rise to no difficulty. This is a phenomenon which appears always, as soon as a great interest unites men into a community, and which repeats itself in the rise of every separate kind of Gild down to that of our modern Trade-Unions. At first, as long as all belonging to one portion of mankind have an equally lively sense of want, as long as zeal is universal, and energy is equally effective in all, and as long as this zeal is still growing, *one* bond comprehends them all; but gradually, with the increase of number, and with the relaxation of the general interest, or with the appearance of various shades in that interest, they unite into closer societies, or close their circles; by the side of which then arise others of a similar nature[2]. When, for instance—to make use of an example which Hartwig himself brings forward in a later passage of his inquiry—the Christian communions were formed, all the members contributed, according to their ability, to one common fund for the purpose of good works. With the extension of Christianity this general display of love abated; the contributions ceased, or were changed into regular and involuntary taxes; and the zealous separated into particular brotherhoods, &c. Further, the Gilds, from which in later times the town constitutions sprang, comprehended originally, as Wilda himself tells us, all full citizens, whose relations to each other were none but those given by local limits and the bonds of neighbourhood. To the first Gilds of the Kalenders, all the priests of a deanery belonged, and the first Trade-Unions took their origin in a manner thoroughly similar.

The essence of the Gild existed also in those associations for acquiring riches and fame, the sworn confederacies for plunder and heroic deeds referred to above, and mentioned

[1] Cf. Heineccius, *De collegiis et corporibus opificum*, in Heineccii opera omnia, tom. ii. p. 390, Genevæ, 1766; also Cicero *De Senectute*, cap. 13. Gaius, in l. 4 D. de coll. et corp. 47, 22, quotes a passage from Solon's legislation taken over into the twelve tables concerning sacrorum sacramentales.

[2] Compare Part III. pp. xcvi, xcvii.

by the Northern historians; and therefore, although from the natural scantiness of the sources, historical references to the direct derivation of the Gilds from them may be wanting, it does not appear that the attempt to bring them into connection with the Gilds ought to be rejected without further counter-proofs[1].

As to the positive opinion of the opponents of our view of the origin of Gilds:—Wilda allows that the later Gilds are derived from the old pagan ones, as regards the custom of assembling together at a common meal on various solemn occasions (a custom, however, which is certainly met with, not only among the Germans, but also in the Greek ἔρανοι and the Roman *Collegia*[2]). The peculiar characteristic of the Gilds, says Wilda, first entered into them through the Christian principle of love for one's neighbour; and the Gilds themselves had their origin in the monasteries aggregated together on that principle to share in the benefits of their prayers and good works. These aggregations were joined afterwards by laymen[3]. Against this view, Hartwig shows the untenableness of the derivation of the Gilds from those monastic aggregations[4], and then points to the Gild-like unions of the cultivated and classical nations of antiquity, especially to the Roman burial-societies, which Christianity, as it spread, found already existing on an extensive scale. He then mentions the common contributions of the first Christians for good works, as well as the later discontinuance of these voluntary acts of charity of the laity, when the Church acquired great independent wealth. But, in spite of the immense property of the Frankish Church, Hartwig yet infers, from the existence of a great proletariat in the Frankish realm at the end of the Roman dominion, that associations of clergy and laity for mutual support must have been formed in that empire. Though more exact information concerning these is wanting, yet the existence of associations amongst the clergy of the sixth century for anything but pious purposes,—as for instance for opposing superiors,—appears to Hartwig sufficient reason for inferring the existence of similar ones for charitable purposes. The laity would join themselves at a later period to those societies, whose offshoots he sees in the Gilds of the Kalenders[5].

[1] Against this view, on wholly insufficient grounds, see Wilda, p. 29; and without stating any grounds, Hartwig, p. 154.

[2] Hartwig, p. 156. Varro speaks of the licentious banquets of the Roman collegia: "Immutabiles collegiorum cœnas intendere annonam." Cf. Heineccius, pp. 386, 399. As to the ἔρανοι, see Becker's *Charikles*, vol. ii. p. 239, 2nd edition, 1854.

[3] Wilda, p. 31 ff.

[4] Hartwig, p. 152.

[5] Hartwig, pp. 156–160. See, on the Gilds of the Kalenders, p. lxxxviii below.

It seems, however, difficult to agree with this learned and ingeniously asserted opinion. The development shows too many gaps, and the connection of the isolated facts with each other is too weak for us to erect with its scaffold the great and magnificent edifice of the Gilds.

The assumption that the Gild first obtained its essential character, and its true purport, from the Christian communions only, seems to me also very difficult to reconcile with the facts so prominently brought forward by Wilda and Hartwig, that the customs and ceremonies of the Gilds of that age were to such an extent those of the old pagan sacrificial banquets, that, for centuries, prohibitions and menaces of punishment were expressly needed in order to destroy this pagan character. If I may be allowed to form a conjecture in this case, I would rather say that the religious brotherhoods of the Middle Ages, and as they still exist in Catholic countries, have their origin in a connection with monasticism, and in an imitation of it on the part of men who, though wishing to accumulate the greatest possible amount of merits for the next world, yet would not renounce the present; and that this origin is to be sought in Southern lands, in which Christianity and monasticism were first propagated[1]. When, therefore, these Southerns brought Christianity into the North, they found existing there these pagan sacrificial unions, with their attendant banquets; and an amalgamation of the Christian religious unions was effected with the sacrificial societies of the pagans, and their customs and rites, like the blending of the Christian festivals and ceremonies with those of the old pagans, which Wilda narrates in so excellent a way. But though this continued existence of the old customs was at first allowed in the interest of the more rapid propagation of Christian doctrine, yet in later times, when the dominion of the doctrine appeared to have been secured, a war was commenced against them by the spiritual authorities as well as the secular ones, who were animated with similar ideas. Undoubtedly, however, the spirit of association received then a mighty impulse, and the Gilds spread themselves rapidly under the influence of Christian doctrine; but, at any rate, as it

[1] It follows from ll. 42 and 43 *Cod. Theod. de Parabolanis*, lib. 16, tit. 2 (with which must be compared the commentary of Gothofredus on these passages, as well as Baronius, *Annales Ecclesiastici*, tom. v. p. 691, Romæ, 1595, and Stolberg's *Geschichte der Religion Jesu Christi*, vol. xv. p. 44, Hamburg, 1818), that already in the third century there existed at Alexandria a Christian brotherhood for nursing the sick. But about the year 416 it had so altered its character, and had so degenerated, as a religious institution, that Theodosius published a decree to prevent it from becoming too powerful, and from meddling with secular affairs.

seems to me, the essence of the Gild, the confederation in societies for mutual help, where the power of the individual appeared too weak to obtain the object desired, is already to be recognized in those old heathen sacrificial assemblies[1].

Though in more ancient times the family connection was strong, and of importance in various ways, as in the maintenance of justice, in the formation of the nation, and in its first settlement, nevertheless, after this settlement had taken place, the relations which it called forth obtained the preponderance. The natural bond of the family became more and more relaxed with the increase of the number of relatives, and with the rise of special interests among the individual members; and would also lose its importance as regards the maintenance of justice. Moreover, the constantly increasing number of kinless people, and of strangers, would further the formation of new institutions; for the State alone was not at that time able to satisfy its members' claims for legal protection.

This change had, above all, to take place in the Anglo-Saxon States[2] through the intermixture of the people with Britons and Danes. Here, artificial alliances would take the place of the natural ones, and of the frankpledge[3] founded thereon. Already, in passages of Ina's statutes which refer expressly to the legal protection of the stranger, mention is made of "*gegildan*" and "*gesiþ*;" and strangers are the very people who, we are told, lived, later on, in societies or Gilds, to which probably a great antiquity must be ascribed[4]. A law of King Alfred declared, that when any one who had no paternal relatives, killed another, one-third of the fine should be paid by the maternal relatives, another third by the "*gegildan*," while for the remaining third the man himself was responsible. But if he was also without maternal relatives, the "*gegildan*" had to pay the half, and for the other half "let him flee." In a corresponding case, when such a man had been killed, the "*gegildan*" received half of his fine, the king the other half[5]. If now we consider that, amongst the members of the later Gilds, exactly similar obligations are met with[6], the opinion will appear justified[7], that here also, under the term "*gegildan*," Gild-members are understood.

[1] Both Waitz (vol. i. p. 85) and Lappenberg (vol. i. p. 609) appear to believe in this derivation of the Gilds.

[2] See Additional Notes, No. 1.

[3] The mutual security which persons of the same tithing gave for each other's good conduct.

[4] Waitz, vol. i. p. 437.

[5] Ibid. p. 433.

[6] Compare the Statutes of the Cambridge Gild on p. lxvi of this Essay.

[7] Hartwig, it is true, asserts (p. 136) that it is now universally acknowledged

An already far-advanced development of the Gilds is shown by the *Judicia Civitatis Lundoniæ*, the Statutes of the London Gilds, which were reduced to writing in the time of King Athelstan. From them, the Gilds in and about London appear to have united into *one* Gild, and to have framed common regulations for the better maintenance of peace, for the suppression of violence,—especially of theft, and the aggressions of the powerful families,—as well as for carrying out rigidly the ordinances enacted by the king for that purpose. Particularly comprehensive were the arrangements for prosecution against theft; one might call these Gilds "assurance companies against theft." Not only were the members obliged to pursue and track out the thief, even in other districts, but the injured person also received compensation for his loss from the common fund. The agreements which had been come to, and the obligation resulting therefrom, bound not only the members of the Gilds, but also all non-members living in the district in which the Gilds existed; and the non-members were for this purpose united into tithings under the lead of the Gild-brothers. Every month the members of the Gild assembled at a banquet, at which the common interests, the observance of the ordinances enacted, and similar matters, were inquired into and discussed. The remains of the viands were distributed amongst the poor. On the death of a member, every associate of the Gild had to offer a loaf of fine bread for the benefit of the soul of the departed, and had to sing fifty psalms, or to get them sung, within the space of a month. All who took part in this league were to be as the members of *one* Gild, in *one* friendship, and in *one* enmity; and every insult was to be avenged as a common one [1]. The English Knighten Gild was perhaps one of these united Gilds [2]. At Canterbury, a Gild following the same ends stood at that time at the head of the city, whilst two others existed by the side of it. There are also accounts of a Gild-hall at Dover, from which a Frith Gild may be inferred; and charters of a somewhat later time frequently mention many other Gilds besides these, as having been long in existence [3].

The organization of the Gilds was thus in the eighth, ninth, and tenth centuries, not only completed, and probably already

(especially since Kemble), that the just-mentioned "*gegildan*" are not to be taken for Gild-members. Nevertheless Waitz, in the latest edition of his *Constitutional History* (1865), vol. i. p. 438, clings to the contrary opinion, and very justly, as appears to me. See in Waitz the various opinions and writings on this point.

[1] Cf. Wilda, p. 245, &c.; Lappenberg, p. 386; Waitz, vol. i. p. 434; Hartwig, p. 140.

[2] See below, Part III. of this Essay, p. xcix.

[3] Lappenberg, vol. i. p. 610.

widely extended amongst the Anglo-Saxons, but even recognized, and their ordinances imitated, or at least sanctioned, in legislation; and the Gilds enjoyed already such authority in England, that their agreements bound even non-members; and town constitutions were already developing themselves from them. At the same time we see them forbidden and persecuted everywhere on the Continent by ecclesiastical as well as by secular authorities. A series of Capitularies of the Emperor Charlemagne and his successors[1] interfered with all kinds of combinations and unions, and especially with those which were confirmed by mutual oaths. Not only those which proposed directly unlawful objects were threatened with scourging, nose-slitting, banishment, and such-like punishments of their members, but even those whose object was protection against robbery and other deeds of violence[2]. Unions were only to be tolerated for mutual assistance in fires, shipwrecks, and similar cases, and even then without the members confirming their obligations by an oath[3]. Under Louis le Debonaire, Gilds even amongst serfs are met with in Flanders, Menpiscus, and the other maritime districts, and their lords were called upon to suppress them, under the threat of being punished themselves[4]. The clergy too had their Gild meetings, as appears from the Capitularies of Archbishop Hincmar of Rheims. The wanton practices and heathen customs which prevailed at their banquets, as well as the exaction of the contributions and fines which, as in the London and Cambridge Statutes, were imposed for violation of the ordinances, gave Hincmar occasion for vehement complaints against these Gilds[5]. We see from these accusations that the despotic mediæval magnates of the Continent used the same weapons for attacking associations for the maintenance of freedom, as their modern antagonists in free England, the enemies of Trade-Unions.

[1] The passages referring to this matter are to be found in Pertz, *Monumenta Germaniæ Historica*, Legum, tomus i. p. 37, cap. 16; p. 59, cap. 29; p. 68, cap. 10; p. 74, cap. 31; p. 133, cap. 10; p. 230, cap. 7; p. 232, cap. 4; p. 352, cap. 10; p. 553, cap. 14.

[2] *Capit. Theod.* 805, cap. 10; *Const. Olonn.* 823, cap. 4; *Capit. Wormat.* 829, cap. 10, in Pertz, l. c., pp. 133, 232, 352.

[3] Capit. 779, cap. 16, in Pertz, l. c., p. 37.

[4] "De conjurationibus servorum quæ fiunt in Flandris et Menpisco et in cæteris maritimis locis, volumus ut per missos nostros indicetur dominis servorum illorum, ut constringant eos, ne ultra tales conjurationes facere præsumant. Et ut sciant ipsi eorundem servorum domini, quod cujuscunque servi hujuscemodi conjurationem facere præsumpserint postquam eis hæc nostra jussio fuerit indicata, bannum nostrum, id est sexaginta solidos, ipse dominus persolvere debeat."—*Capit. Theod.* 821, cap. 7, in Pertz, l. c., p. 230. Compare with this, *Capit. Vern.* 884, cap. 14, in Pertz, l. c., p. 553.

[5] Cf. Wilda, pp. 22, 35, 41; Hartwig, pp. 138–141, 150.

There is no doubt that these "Gildoniæ" of the Frankish Empire are the same as the Gilds of the Anglo-Saxons, such as those of London and Cambridge[1]. The more developed constitution of these appears merely as a consequence of the later times from which the documents on them have been preserved for us, as well as of the freedom from those restrictions which necessarily hindered their prosperity on the Continent. As the unions themselves owed their origin to social and political changes, in like manner the reasons of these prohibitions lay probably in political and social considerations. All the various kinds of Gilds—as will further appear in the course of this inquiry—always arose in times of transition; and especially when we consider the origin of Trade-Unions we shall show how, in every single trade, the Gilds came into existence at the time when each trade was changing from small to great industry. When these Gilds arose, both England and the Frankish Empire were likewise in such a stage of transition. The frankpledges of those belonging to one family became less efficient. Lappenberg relates, that in England[2] the landed proprietor, the feudal lord, took all his serfs under the same protection as in earlier times was afforded by their kinsmen. This relation could not however satisfy the want of the great numbers of those who had maintained their freedom, and did not belong to any connection of this kind. Amongst these freemen, therefore, we forthwith meet the same contrast which now-a-days separates Economists and Socialists. The freemen of rank and large possessions, who felt themselves powerful enough for their own protection, found, as the strong are ever wont to do, their interest more in a system of mutual feuds, that is, of free competition amongst themselves, than in associations and mutual pledges. But the less powerful, the small freemen, sought, as the weak always do, protection for themselves in confederating into close unions, and formed the Gilds for that purpose.

The mighty efforts of the Emperor Charlemagne to form one central State, transformed all existing relations. His legislation caused especially a considerable diminution of the old freemen. With the pressure which the violent dukes and counts exercised on the people, the number of the latter shrank more and more, exactly as the number of small master-craftsmen and tradesmen dwindled away in consequence of the centralization of trade into the great workshops in the eighteenth and nineteenth

[1] Cf. Hartwig, pp. 138–142, who also, together with Marquardsen, maintains against Kemble the real identity of the London brotherhoods with the remaining Anglo-Saxon Gilds.

[2] Lappenberg, vol. i. p. 587, &c.

centuries in England. Just as here the artisans could only avoid being pressed down to a slavelike condition by leaguing together into unions, so in like manner the old freemen of Charles's time were only able to maintain their liberties wherever the fact of their dwelling together in larger numbers rendered a confederacy into Gilds possible, or wherever they were secured against the persecution of their oppressors by the peculiar natural conditions of their abode. Although, later on, Charles himself endeavoured in vain to counteract the diminution of the old freemen—so far as it was possible without injuring his system—yet the action of an organization like the Gilds would have made breaches in it; moreover, these stirs of self-help might have become dangerous to the system of personal government of the arbitrarily ruling Cæsar.

But the universal insecurity after the death of Charles, and especially the devastating incursions of the Normans, were the causes that brought about the association of the people into Gilds, even more than the fear of losing their inherited freedom. But here too it was the same dread that caused self-help to be forbidden; and this was certainly also the cause of the prohibition of the associations amongst serfs against thieves and robbers. The crime of the serfs in their unions consisted in their endeavouring to provide redress for their grievances without making use of the intervention of their masters[1], whose powers over them such interventions always increased. Even when the poor people who were without protection against the inroads of the Normans, leagued themselves into sworn brotherhoods, and in this manner offered firm resistance to the robbers, they were cut down by the Frankish nobles, as a reward for their bravery[2].

The assumption, that these serfs had also confederated together against their lords for the improvement of their very miserable condition, does not appear to be necessarily excluded by the threat in the Capitulary of Louis, that the lords themselves should be punished if they did not suppress the unions[3]. At least, the Mayor and Aldermen of London, in the year 1415, made, in like manner, the Wardens of the Tailors' Gild responsible for the existence of associations of journeymen tailors,

[1] The *Capit. Vern.* 884, cap. 14 (Pertz, l. c., p. 553) says: "Volumus, ut presbyteri et ministri comitis villanis præcipiant, ne collectam faciant quam vulgo Geldam vocant contra illos qui aliquid rapuerint. Sed causam suam ad illum presbyterum referant qui episcopi missus est, et ad illos qui in illis locis ministri comitis super hoc existunt, ut omnia prudenter et rationabiliter corrigantur."

[2] Hartwig, p. 145. Compare him for the rest of these historical statements in general, p. 161, &c.

[3] Waitz (vol. iv. p. 364) and Hartwig (p. 145) draw this inference.

which however were directed against the masters themselves[1]. As these journeymen stood under the rule of the Wardens of the Tailors' Gild, so stood the serfs to their lords in a relation of protection like the earlier one of the family-members to their family; the lords were responsible for the offences of their slaves in general, and especially for those committed by "collecta," as that same Capitulary of Louis le Debonaire attests[2]. The interest in the maintenance of the existing order of things made it as much a special duty of the lords in the Carlovingian times, as of the masters in the fifteenth century, to take care that such order should not be disturbed by any kind of revolutionary movements of the governed class. The suppression of those stirrings of self-dependence appeared a matter of public importance. Heineccius[3] already, *apropos* of the interdiction of the Roman *collegia* by Tarquinius Superbus, refers to the opinion of Aristotle (*Polit.* lib. v. cap. ii.): "The means already indicated to maintain the mastery as long as possible, consist in this especially, to suffer neither common banquets nor political unions, nor education in common, nor anything else of the same kind; but to guard against everything which can excite in the people these two qualities—self-consciousness and mutual confidence." If these associations of serfs were also directed against their lords, we have indeed in that Capitulary the first record of a combination of labourers against their masters.

The forbiddance of Gilds in the Frankish Empire could also be justified from religious motives, in consequence of the gluttony and pagan customs always associated with them. But from England we hear nothing whatever of any evil influence of the Gilds. It appears that Englishmen at all times knew better than Continentals how to maintain their right of free and independent action; and their Government seems to have known even at that time how to make use, in an excellent manner and in the interest of public order, of organizations freely created by the people. In Germany a better estimation of the Gilds seems to have commenced under Henry I., who in order to raise the towns, ordered the Gilds to hold their councils, their meetings, and their banquets in them. The same thing was decreed for Norway nearly a century and a half later by Olaf Kirre, the

[1] Cf. Riley, *Memorials of London and London Life in the Thirteenth, Fourteenth and Fifteenth Centuries*, p. 609. London, 1868.

[2] *Capit. Theod.* 821, cap. 1 (Pertz, l. c., p. 230): "Si servi per contumaciam collecta multitudine alicui vim intulerint, id est aut homicidium aut incendium aut qualiumcunque rerum direptiones fecerint, domini quorum negligentia hoc evenit, pro eo, quod eos constringere noluerunt, ut talia facere non auderent, bannum nostrum, id est sexaginta solidos, solvere cogantur."

[3] Heineccius, l. c., p. 379.

founder of Bergen, and the enlarger of several towns. He also caused houses to be built for this purpose, as for instance at Trondjem.

There remains, in conclusion, to state briefly the chief result of this inquiry. The family appears as the first Gild, or at least as an archetype of the Gilds. Originally, its providing care satisfies all existing wants; and for other societies there is therefore no room. As soon however as wants arise which the family can no longer satisfy—whether on account of their peculiar nature or in consequence of their increase, or because its own activity grows feeble—closer artificial alliances immediately spring forth to provide for them, in so far as the State does not do it. Infinitely varied as are the wants which call them forth, so are naturally the objects of these alliances. Yet the basis on which they all rest is the same: all are unions between man and man, not mere associations of capital like our modern societies and companies. The cement which holds their members together is the feeling of solidarity, the esteem for each other as men, the honour and virtue of the associates and the faith in them—not an arithmetical rule of probabilities, indifferent to all good and bad personal qualities. The support which the community affords a member is adjusted according to his wants—not according to his money-stake, or to a jealous debtor and creditor account; and in like manner the contributions of the members vary according to the wants of the society, and it therefore never incurs the danger of bankruptcy, for it possesses an inexhaustible reserve fund in the infinitely elastic productive powers of its members. In short, whatever and however diverse may be their aims, the Gilds take over from the family the spirit which held it together and guided it: they are its faithful image, though only for special and definite objects.

The first societies formed on these principles were the sacrificial unions, from which, later on, the Religious Gilds were developed for association in prayer and good works. Then, as soon as the family could no longer satisfy the need for legal protection, unions of artificial-family members were formed for this purpose, as the State was not able to afford the needful help in this respect. These Gilds however had their origin in direct imitation of the family. Most certainly, none were developed from an earlier religious union: as little as were the Roman *collegia opificum* from the Roman sacrificial societies, or the Craft-Gilds from the Gild-Merchants, or any Trade-Unions from a Craft-Gild.

II. THE RELIGIOUS (OR SOCIAL) GILDS.

After the German tribes had settled in fixed abodes, the families dwelling in a certain district united themselves into common sacrificial assemblies. As a rule, common meals were connected with them, to which every one taking part had to bring what he wanted of food and drink. From this these unions were called *Gilds*. When Christianity, together with its religious fraternities, came to the North, the latter amalgamated with the heathen sacrificial societies which they found there, and from this union arose the Religious Gilds of the Middle Ages.

This is the opinion on the origin of the Religious Gilds already expounded in the foregoing part of this Essay. In the above cited statutes of the Gilds at Abbotsbury and Exeter, of the eleventh century (p. lxv), we see the organization of these Gilds already completely developed. But much earlier, though less detailed, information is afforded by the Capitularies of Archbishop Hincmar of Rheims, of the year 858.

We find, already distinct, in these Capitularies, the two kinds which must be distinguished among the Religious Gilds. The one exists among laymen; and it alone is called "*Geldonia.*" It alone, too, bears already the complete character of the Religious Gilds as it existed during the whole of the Middle Ages. The other kind of Gild exists among the clergy.

In the Capitulary[1] relating to the Gilds among laymen, Hincmar gives instructions to his clergy as to their allowed sphere

[1] Labbei Concilia, ed. Coleti, t. x. cap. 16. p. 4: "De confratriis, earumque conventibus, quomodo celebrari debeant.—Ut de collectis, quas geldonias vel confratrias vulgo vocant, sicut jam verbis monuimus, et nunc scriptis expresse præcipimus, tantum fiat, quantum ad auctoritatem, et utilitatem, atque rationem pertinet: ultra autem nemo, neque sacerdos, neque fidelis quisquam, in parochia nostra progredi audeat. Id est in omni obsequio religionis conjungantur: videlicet in oblatione, in luminaribus, in oblationibus mutuis, in exequiis defunctorum, in eleemosynis, et ceteris pietatis officiis: ita ut qui candelam offerre voluerint, sive specialiter, sive generaliter, aut ante missam, aut inter missam, antequam evangelium legatur, ad altare deferant. Oblationem autem, unam tantummodo oblatam, et offertorium, pro se suisque omnibus conjunctis et familiaribus offerat. Si

of action, and as to the solemnities to be held at their meetings. He first tells them quite in general, that only that should be done which was required by dignity, utility, and reason; but he immediately defines this somewhat more precisely: "They shall unite for every exercise of religion: that is to say,"—and now follows, as a more detailed statement of the duties involved therein, the enumeration of all the objects which are again met with in the later Gild-statutes,—"they shall unite for offerings (especially of candles), for mutual assistance, for funeral services for the dead, for alms, and other deeds of piety." On the other hand, Hincmar forbids, what other Capitularies term "*diabolicum*" (which must be translated here by "heathenisms [1]"), namely, feastings and drinking-bouts, because they led to drunkenness, gave occasion for unjust exactions, for sordid merriments, and inane railleries, and ended often even with quarrels, hatred, and manslaughter. If it was the priest of the Gild or any other clergyman who acted against this prohibition, he was to be degraded, but if it was a layman or a woman, he or she was to be excluded until satisfaction was given. If it became necessary to call a meeting of the brothers, as, for instance, for the arrangement of differences which might have arisen among them, they were to assemble after divine service; and after the necessary admonitions, every one who liked was to obtain from the priest a piece of consecrated bread and a goblet of wine; and then he was to go home with the blessing of God.

These fraternities were spread in the Middle Ages, in great numbers, over all countries under the sway of the Roman-Catholic religion, and they exist even now in such countries. As the Gild Statutes contained in this collection—and they are but waifs and strays of large flocks—show, these brotherhoods existed in considerable numbers in every town; thus there were twelve in Norwich, as many in Lynn, in Bishop's Lynn nine,

plus de vino voluerit in butticula vel canna, aut plures oblatas, aut ante missam, aut post missam, presbytero vel ministro illius tribuat, unde populus in eleemosyna et benedictione illus eulogias accipiat, vel presbyter supplementum aliquod habeat. Pastos autem et comessationes, quas divina auctoritas vetat, ubi et gravedines et indebitæ exactiones, et turpes ac inanes lætitiæ et rixæ, sæpe etiam, sicut experti sumus, usque ad homicidia, et odia, et dissensiones accidere solent, adeo penitus interdicimus, ut qui de cetero hoc agere præsumpserit, si presbyter fuerit, vel quilibet clericus, gradu privetur, si laicus, vel femina, usque ad satisfactionem separetur. Conventus autem talium confratrum, si necesse fuerit ut simul conveniant, ut si forte aliquis contra parem suum discordiam habuerit, quem reconciliari necesse sit, et sine conventu presbyteri et ceterorum esse non possit, post peracta illa quæ Dei sunt, et Christianæ religioni conveniunt, et post debitas admonitiones, qui voluerint eulogias a presbytero accipiant: et panem tantum frangentes, singuli singulos biberes accipiant, et nihil amplius contingere præsumant, et sic unusquisque ad sua cum benedictione domini redeat."

[1] See Hartwig, pp. 142, 153.

while abroad, Gallienus counts even eighty in Cologne, Melle about seventy at Lübeck, and Staphorst more than a hundred at Hamburg[1]. But their objects and organizations were so identical everywhere, and remained so essentially unchanged during successive centuries, that a comparison of them in various countries and at various times could only lead to repetitions. I will therefore simply state their objects and their organization. What is described here, prevailed in all countries alike[2].

With regard to the objects of these Gilds, Hincmar defines them completely, when he says, "in omni obsequio religionis conjungantur," they shall unite in every exercise of religion. By this were meant, before all things, the associations for the veneration of certain religious mysteries, and in honour of saints[3]. Accordingly, these Gilds were everywhere[4] under the patronage of the Holy Trinity, or of certain Saints, or of the Holy Cross, or of the Holy Sacrament, or of some other religious mystery. In honour of these patrons they stuck candles on their altars and before their images; in some statutes this appears even as the only object of the Gild[5]. Wilda[6] narrates also how the setting up of such a candle became the origin of an entire Gild. Once, towards the end of the fourteenth century, says he, several merchants and shopmen of Flensburg were sitting drinking together, and having paid their score, six shillings (standard of Lübeck) remained over. What should be done with these, was now the question. At length they resolved to order a candle to be made, which was to burn before the image of the Virgin Mary on the altar of our Lady. This fraternity, so insignificantly begun, increased rapidly

[1] See Wilda, p. 346.

[2] Compare, for what is said in the following, the Gild Statutes contained in Mr. Smith's collection, the Introduction by Miss Smith, pp. xxviii–xlii, Wilda, pp. 344–375, and Ouin-Lacroix, *Histoire des anciennes Corporations d'Arts et Métiers et des Confréries religieuses de la capitale de la Normandie*, Rouen, 1850, pp. 411–542.

[3] The modern representative of this is the march of the members of the English village Benefit-Societies to morning service at their church before the midday dinner, the cricket-match and games of the afternoon, and the evening dance.—F. J. F.

[4] The reason why there is no patron saint mentioned in the case of the Gild of the Smiths of Chesterfield (see Mr. Smith's collection, p. 168), seems to me to be that this Gild does not, in the account given of it, appear any more as an independent Gild, but simply as a subdivision of the Gild of the Holy Cross of the Merchants of Chesterfield. Before it joined the latter, it had been likewise under the patronage of the Holy Cross, as is proved by the members "worshipping before the greater cross in the nave of the church of All Saints," and by the "lights to be burnt before the cross on the days named." But after it had become a mere subdivision of a Gild under the same patronage, a special mention of the patron was no more required, and, for the sake of discriminating it from the rest, it was simply called the Gild of the Smiths.

[5] See, for instance, p. 14 of Mr. Smith's collection.

[6] Wilda, p. 347.

in members and in income; the Gild-brothers therefore resolved to adopt a regular constitution, to elect aldermen, to begin a Gild-book, &c. Besides for the setting-up of candles, the members united also for special devotions to their patrons; and amongst these Gilds must be named, above all, the fraternities of the Rosary, as those widest spread since the days of St. Dominic. Further, the Gilds got masses said in honour of their patrons, and went in solemn procession to their churches on the days of their feasts. Conventions like that between the fraternity of London Sadlers, and the neighbouring Canons of St. Martin-le-Grand, by which the Sadlers were admitted into brotherhood and partnership of masses, orisons, and other good deeds, with the canons, were common with these religious Gilds. They further obliged their members to engage in devotions and divine services for the souls of their departed brethren, and often, also, to aid pilgrims and pilgrimages[1], especially to some most revered places, as, for instance, to the Holy Land, to the tombs of the apostles Peter and Paul, or of St. James (of Compostella), to Loretto and other places.

But, as Hincmar pointed out, the "*obsequium religionis*" included not only devotions and orisons, but also every exercise of Christian charity, and therefore, above all things, mutual assistance of the Gild-brothers in every exigency, especially in old age, in sickness, in cases of impoverishment,—if not brought on by their own folly,—and of wrongful imprisonment, in losses by fire, water, or shipwreck, aid by loans, provision of work, and, lastly, the burial of the dead. It included, further, the assistance of the poor and sick, and the visitation and comfort of prisoners not belonging to the Gild. And, as in the Middle Ages instruction and education were entirely supplied by the Church, and were considered a religious duty, we find among the objects of religious Gilds also the aid of poor scholars, the maintenance of schools, and the payment of schoolmasters.

No Gild pursued all these objects together; in each separate Gild one object or the other predominated, and, besides it, the Gild pursued several others. But often, too, we find Gilds for the fulfilment of quite a concrete and merely local task, as, for

[1] Mr. Ludlow's suggestion (*Fortnightly Review*, vol. vi., N. S., p. 399), that the assistance of pilgrims "is probably the original of what is now termed 'donation' to 'travellers,' or 'tramps,' or sometimes simply 'tramp-money'—i.e. relief to members going in search of work," can hardly be serious. Craftsmen travelling in search of work were at least not usual in England in the fourteenth century, and perhaps even never as long as the old system of industry prevailed; whilst a glance at some ordinances relating to the relief of pilgrims, even among the statutes of Craft-Gilds (such as, for instance, on pp. 180, 182 and others of Mr. Smith's collection) might convince Mr. Ludlow of the real nature of these pilgrims. (The 12 Richard II. cap. 3, requiring a Letter-Patent from wandering labourers, evidently refers to agricultural labourers only.) See Additional Notes, No. 4.

instance, the Gild of Corpus Christi at York. I am obliged on this account to make some observations against Mr. Toulmin Smith, though I do it with extreme unwillingness; for nobody can acknowledge Mr. Smith's great merits in making this collection with greater thanks than myself, and I am most keenly alive to the fact that it becomes me, least of all, to enter into controversy against a man of such learning, especially in this place. But Mr. Smith has so strangely misconceived the character of this Gild [1], that I think it absolutely necessary to correct him.

The case with this York Gild is simply this. In all Roman-Catholic countries the consecrated host is carried every year on the day of Corpus Christi, by the priest of highest rank in the place, in solemn procession, in the towns through the streets, and in the country over the fields. This is one of the greatest feasts of the Roman-Catholic Church. To heighten its solemnity, all the pomp which the Church can command is brought together. With this intention the clergy of York founded a special Gild, of which the sole object was to provide the ceremonies and pomp of this festival. As the solemnities of one of the greatest ecclesiastical feasts were in question, it can easily be understood that those who were at the head of the Gild were priests. Moreover, the reason why the many crafts of York joined so generally in this procession, was neither "the love of show and pageant which it gratified," nor was it "the departure from the narrow spirit of the original ordinances," but simply that the taking part in this procession was considered as a profession of faith in transubstantiation. I have myself seen at Munich, the King, the Ministers, the whole body of clergy, the University, all the Trades with their banners and emblems, all the Religious Fraternities, the Schools, and even the Army, taking part in a like procession; and that at Vienna is renowned for still greater pomp.

As there were Gilds for conducting this procession, so there were also Gilds for the representation of religious plays, which were common in the Middle Ages in all countries, and which are still performed in some places, for instance, every tenth year at Oberammergau in Southern Bavaria. Such were the Gild of the Lord's Prayer at York, and the Gilds of St. Elene, of St. Mary, and of Corpus Christi, at Beverley [2]. The performance of secular plays was also the object of some Gilds, for instance, of the Gild at Stamford [3], and of the *Confrérie des Conards* at Rouen [4].

[1] See pp. 140–143 of Mr. Smith's collection.

[2] See also Blomefield's account of the Gild of the Holy Cross at Abingdon, in his *History of Norfolk*, iii. p. 494.

[3] See p. 192 of Mr. Smith's collection.

[4] Ouin-Lacroix, p. 493.

Moreover, all objects of common interest for which now-a-days special societies and associations provide, — for instance, the various insurance companies,—in the Middle Ages caused all who were interested in them to unite themselves to religious Gilds; the motive and the principles only were other than those of to-day, namely, Christian charity, instead of profit. Thus there were not only Gilds like the "*Fraternitas ad Ædificandum Capellam St. Gertrudris*[1]," but also those for the repair of bridges and highways[2]. The National Life-Boat Institution of to-day would undoubtedly have been a Religious Gild in the Middle Ages; to be convinced of it one need only look at the statutes of the Gild of the Holy Trinity, Wygnale, Norfolk[3]. Even at the present time I know of societies similar to these Gilds among the Catholics. The Roman-Catholic Bishops of Germany founded, a few years ago, the association of St. Catherine all over Germany, with a great number of local branches, for the foundation of a Roman-Catholic University. Every member is bound to a minimum contribution and to certain devotions. The Bishop of Hippo and Tagaste founded, especially in France, but with branches extending to other countries, an association under the same obligations for the erection of orphan-houses in Africa; and similar to these there exists still now an infinite number of associations in the Roman-Catholic Church. Like these last-named examples of to-day, the mediæval Gilds always connected special devotions and good deeds with the pursuit of their principal object.

When the Frith-Gilds originated, after the family had ceased to afford its members necessary protection, they also, as well as the Craft-Gilds in later times, connected with the pursuit of their political and industrial objects certain devotions and good deeds; and it has therefore been justly observed, "that it was not till the times subsequent to the Reformation that these fraternities could be regarded as strictly secular." These religious provisions in all kinds of Gilds were probably the reason why Mr. Toulmin Smith has given the name of Social Gilds to those which provide for other common interests besides the political and industrial ones, instead of terming them "Religious Gilds," as was usual till now. His name for them is undoubtedly a just one, but it comprehends the political and industrial Gilds as much as the one used hitherto; for the bases on which these Gilds rested were the same social principles as those by which the rest were guided. It distinguishes the two kinds even less; for though there were religious provisions in the political and

[1] Wilda, p. 349. [2] See p. 249 of Mr. Smith's collection. [3] See p. 110, ibid.

industrial Gilds, yet these were always only of less importance, whilst the other Gilds pursued regularly as principal objects things, the provision for which was considered in the Middle Ages as an essential religious duty and task of the Church [1]: Though I acknowledge the justness of Mr. Smith's appellation, I prefer the one which Madox uses, and which is also in use in all other countries.

People of all ranks took part in these Religious Gilds. Now and then, however, people out of a certain class were not to be admitted [2]. The same person might take part in several religious Gilds. The members had often a special livery, as is still now the case with some fraternities at Rome. These liveries were worn on their ecclesiastical festivals, and probably also at the great feastings and drinking-bouts which were always connected with them. Notwithstanding all the prohibitions against the latter, since the days of Hincmar, they seem to have so pushed themselves into the foreground, that sometimes special references were needed in the Gild statutes, that "not eating and drinking, but mutual assistance and justice were the principal objects of the Gild [3]."

The expenses to be defrayed for attaining the objects of the Gild were provided for by the entrance-fees, the contributions, the gifts and the legacies of members. The contributions were sometimes fixed, but sometimes, especially in earlier times, they varied according to the wants of the Gild. The account of the Gild of the Smiths at Chesterfield is the only one in which there are no contributions mentioned [4]; it had its own property, from which all its expenses were to be defrayed; it had, however, to pay with bankruptcy for this deviation from Gild principles. The organization of the Religious (or Social) Gilds was the same as that of all Gilds up to the time of our modern Trade-Unions: a meeting, and officers elected in it, with fines for not accepting office when chosen to it. Often the members had, on their entrance, to declare by oath that they would fulfil their obligations. Persons of ill repute were not to be admitted; and mem-

[1] As I discussed this subject a little with Mr. Toulmin Smith,—I think we settled the name together,—I may say that he looked at *the main object* of the Gilds he was dealing with, those of A.D. 1389; and as that was unquestionably social, like that of our modern Benefit-Societies, he gave these Gilds their right name. To have called them "Religious," because of their ornament of a saint's name, would have seemed to him and me a monstrous contradiction, in the days of Chaucer and Wycliffe, of William who had the Vision of Piers the Plowman, and others who have left us records of what Romanism, with its monks and friars, practically then was in England.—F. J. FURNIVALL. See Additional Notes, No. 2.

[2] See p. 179 of Mr. Smith's collection. See also Wilda, p. 361.

[3] See Wilda, p. 33.

[4] p. 168 sqq. of Mr. Smith's collection.

bers were to be excluded for misconduct. Moreover, the same rules are to be found with regard to proper behaviour and decent dress at the Gild-meetings, as recur in all kinds of Gilds to our day. Disputes among members were to be decided by the Gild. The disclosing of the affairs of the Gild was to be severely punished. In those places in which the Gild had no special hall, its meetings were often held in the Town-hall[1]. The fraternities must accordingly have enjoyed high consideration.

As to the Gilds among the clergy, the Capitularies of Hincmar—which, as said above, related to them[2]—contain ordinances against the extravagances of the priests at funeral meals, and at the feastings which used to follow their meetings, especially those of the priests of a deanery (or diaconasia), on the first of each month. No priest was to get drunk at them, nor was he to empty goblets to the health of saints or of the soul of the deceased; nor was he to force others to drink, nor get drunk himself at the desire of others. The priests were not to burst out into indecent noise or roaring laughter; they were not to sing vain songs nor tell inane jokes; nor were they to allow scandalous performances of bears or female dancers to be made before them, nor delight in other mummeries, "because this was heathenish, and forbidden by Canon law." Nor were they on every occasion to provoke each other, or anybody else, to passion and quarrels, and still less to fighting and murder; nor was he who was provoked to assail at once his provoker. On the contrary, the priests were to breakfast with honesty and fear of God; holy stories and admonitions were to be read, and hymns sung, and every one was to go home in good time. Exactly the same ordinances are contained in the Capitularies of Bishop Walter of Orleans[3], which likewise bear date in the year 858.

These passages do not, however, contain anything from which the existence of a Gild amongst these priests can be inferred; for the extravagances mentioned might be connected with any kind of meeting. In later times, however, the clergymen assembled on the first day of each month to deliberate on their interests, were united in special fraternities, which, from their meeting-day on the Kalends of each month, were called "*Gilds of the Kalenders.*" It is generally inferred from this, that probably even in Hincmar's time the priests bound each other by mutual agreement to pray for their salvation, and to observe certain

[1] See Wilda, p. 348.

[2] Labbei Concilia, ed. Coleti, t. x. cap. 14, p. 4: "Quomodo in conviviis defunctorum, aliarumve collectarum gerere se debeant." Cap. 15: "Quid cavendum sit presbyteris, quando per Kalendas inter se conveniunt."

[3] Ibid. cap. 17, p. 73: "Quomodo in consortiis et conviviis gerere se debeant."

rules with respect to their meetings; and these meetings are accordingly believed to have been Gild-meetings of the clergy. This is nothing but a mere conjecture, it is true. But it is also true that, in later time, the members of the Gilds of the Kalenders used to assemble on the Kalends of each month for divine service, for deliberation on their interests, and for common meals, like the priests in the time of Hincmar. In a deed of the fifteenth century they are still called "*fratres in calendis missas celebrantes*[1]." In any case, therefore, the name "Gilds of the Kalenders" seems to be derived from these monthly meetings.

In later times the objects of these Gilds were extended to the exercise of any good works, especially towards the Gild-brothers themselves,—as for instance, the distribution of loaves among them,—and also to the assistance of the poor, the furnishing of church-attire; and these Gilds, as is shown by the Statutes of the Gilds of the Kalenders at Bristol[2], employed themselves even in the keeping of old records, and in the maintenance of schools. Now and then the Statutes of these Gilds remind their members expressly, that their fraternity was erected "*non solum pro commodis præsentibus, et lucris temporalibus inhiandis, sed magis pro beneficiis celestibus et perpetuis*[3];" and especially with regard to the great feastings of these Gilds, such admonitions may not have been out of place. Most of the Statutes of the Gilds of Kalenders have, for the regulation of their feasts, a special bill of fare, as an appendix[4]. In some Gilds there were special stewards to provide for these meals, and then the expenses were defrayed by common contributions; in others, some of the brethren and sisters, each in their turn, had to prepare the meal from their own means.

These fraternities existed originally only among the clergy. In later times laymen too took part in them; and then the only distinction of these Gilds from the other religious fraternities was, that the clergy prevailed in them, whilst proportionally only few clergymen belonged to the others, and were even sometimes expressly excluded from all offices[5]. The only account of a Gild of Kalenders contained in the present collection of Mr. Smith, that of the Gild of the Kalenders of Bristol, belongs to this later time. Often the number of members was limited in these Gilds, sometimes to the number of the twelve apostles, sometimes to twenty-four. In this case the number of lay members was always fixed in proportion to that of the clerical members. Thus the Gild of St. Canute at Flensburg consisted,

[1] Wilda, p. 352. [2] See p. 287 of Mr. Smith's collection.
[3] Wilda, p. 356. [4] Ibid. p. 365. [5] See p. 264 of Mr. Smith's collection.

according to its Statutes from the year 1382, of twenty-four priests; but whenever this number could not be filled up, laymen might be admitted, but only to the number of eight, at the outside. The wives of laymen were, however, excluded from the meetings till the year 1422. In this year, the Gild-book narrates, the ecclesiastical brothers were moved by the prayers of the lay brothers, repeated for several years, to grant the admission of their wives to the meals after the general meetings. There was, however, to be one condition: the wife of the lay brother, whose turn it was, was obliged to provide the meal, and to wait at table. The mayor and his wife were to have the first turn [1].

The laymen, however, always remained in a subordinate position. At the meals they had seats separate from those of the priests,—probably because the latter talked over their affairs at table,—and in the deliberations the laymen had no vote. As among the other Religious Gilds, there were special ones for various classes and ranks, so there existed also Gilds for the higher and the lower clergy, the so-called Major and Minor Gilds of the Kalenders. One Gild of Kalenders existed in almost every town; in the larger towns even more. The organization of the Gild of Kalenders was the same as in other Gilds. Often the president was called Dean —perhaps a remnant of the origin of these Gilds.—Often, too, the Gilds of the Kalenders had halls like the other Gilds; and, as in the lay Gilds, the brothers of the ecclesiastical Gilds used to go there daily "to beer and to wine."

The Reformation shook the whole system of Gilds to its foundation; and this was especially the case with the Religious Gilds of the laity, and the Gilds of the Kalenders. "In England," says Madox [2], "these Religious Gilds have been judged to be founded in superstition;" and it was the same in all countries in which the Reformation gained ground. The Gilds were therefore abolished in all Protestant countries; but not on the Continent as in England, in favour of the private purse of the King and his courtiers [3]; on the contrary, we see in Northern Germany and in Denmark, the property and income of these Gilds delivered everywhere, according to the intention of the founders, to the common treasure for the poor, to poor-houses, hospitals, and schools [4]. It is very interesting to see that the regular conventions of priests are found in Denmark even in the sixteenth century, after the introduction of the Reformation [5]. They were still called by the same name, "Gilds of the Kalen-

[1] Wilda, p. 359.
[2] *Firma Burgi*, p. 27.
[3] By Act 37 Henry VIII. cap. 4, and Act 1 Edw. VI. cap. 14. See Miss Lucy Toulmin Smith's Introduction, p. xlii.
[4] Wilda, pp. 372, 373.
[5] Ibid. p. 353.

ders," though they were held no more every month, but only once (or several times) a year. The synod at Rothschild ordered, that they should also take place in those provostships in which they had not existed till then, that the ministers might remain united in doctrine and ceremony. Nobody was, however, to be burdened with the preparation of a meal; and no stranger to the place, and no foreigner, was to be admitted a member of the Gild. The conclusion of another synod says: "When a priest goes to the meeting, he shall not be armed. During dinner they shall abstain from scandalous talk, drunkenness, and unseemly disputes; four dishes and no more are to be served; and towards evening everybody is to go home." A former synod, of the year 1562, had already forbidden the abuse of prolonging these conventions for two or three days. Pontoppidan[1] describes these conventions as they took place in the age after the Reformation, as follows: "The priests, together with their wives, heard a sermon in the church of the brother whose turn it was; they then proceeded round the altar, deposited there an offering on behalf of the poor scholars of the next town; the conclusions and proceedings of the foregoing provincial synod were then recited, and their other affairs talked over and put in order. After this they, together with their whole families, went to the parsonage, where they indulged a little at dinner, '*in bona charitate*' sang certain songs at meals, and made themselves merry in other wise; but sometimes quarrelled also scandalously, and made a great uproar." The resemblance of the synodal precepts mentioned above on this page to those which Hincmar of Rheims gave earlier in the ninth century to the "*presbyteris, qui per calendas conveniunt*" is striking. It shows clearly that after so many centuries these meetings were still held in the same way, and that the same abuses[2] had to be opposed.

When the zeal against everything connected with Catholicism, inflamed by the Reformation[3], had cooled down a little, the old

[1] Pontoppidan, *Ann. Eccl. Dan.* iii. p. 47.

[2] In the year 1598, a parson at Ewerdrup had to prepare the meal at the meeting of the Kalenders. What was wasted there is to be found minutely in Pontoppidan, *Ann. Eccl.* ii. p. 47. There were consumed, among other things, one head of cattle (at the price of 18 marks), six lambs (12 marks), two fat swine (20 marks), seven geese (7 marks), ten pairs of fowls (3 marks 12 shillings), three tuns of beer of Rostock (33 marks), and two tuns of homebrewed beer (10 marks). The whole meal cost 156 marks 1 shilling.

[3] Compare excellent Parson Harrison: "Our holie and festiuall daies are verie well reduced also vnto a lesse number; for whereas (not long since) we had vnder the pope foure score and fifteene, called festiuall, and thirtie *Profesti*, beside the sundaies, they are all brought vnto seauen and twentie: and with them the superfluous numbers of idle wakes, GUILDS, FRATERNITIES, church-ales, helpe-ales, and soule-ales, called also dirge-ales, with the heathenish rioting at bride-ales, are

associates felt painfully the want of their former convivial gatherings. Gilds were therefore re-established for social purposes, and from this probably originated our clubs and casinos of to-day. Of the essential nature of the old Gilds there is, however, no other trace to be found in these modern representatives.

The great analogy between the modern Friendly Societies and the old Religious or Social Gilds, has been already pointed out by Sir Frederick Eden[1]. He also pronounces the opinion, that "notwithstanding the unjustifiable confiscation of the property of the Gilds under Henry VIII. and Edward VI., there is every reason to suppose that private associations, on a more contracted scale than the ancient Gilds, continued to exist in various parts of England," and "that it is extremely probable, that many of these Societies [i.e. the Gilds], even after the confiscation of their lands at the dissolution, continued their stated meetings in the common room, or hall, for the purposes either of charity, or of conviviality[2]." An able article in the *Quarterly Review* for October, 1864, on "Workmen's Benefit Societies" (p. 318), refers also to their analogy with the Gilds. The latest comparison between both has been drawn, with reference to the Gild-statutes contained in Mr. Toulmin Smith's collection, by Mr. J. M. Ludlow, in the *Fortnightly Review* for October, 1869.

well diminished and laid aside."—Harrison's *Description of England*, A.D. 1577-87, in Holinshed, vol. i. p. 138, col. 2. (On Wakes and Church-ales, see Stubbes's *Anatomie of Abuses*, pp. 177, 173 of the 1836 reprint of the fifth edition.) F. J. F.

[1] *State of the Poor*, vol. i. ch. iii.

[2] *Ibid.* p. 597.

III. THE GILD-MERCHANTS.

Those sworn fraternities for the protection of right, and the preservation of liberty, of which mention has already been made in Part I., arose independently of the towns. Yet in the towns, the necessity of protecting liberty, property, and trade, against the violence of neighbouring nobles, the arbitrary aggressions of the bishops or the burgrave, or the bold onsets of robbers, or—as in the case of towns which sprang from the settlements of traders in foreign countries—against the onslaughts of the surrounding and often still barbarian inhabitants, —often too the feeling of insecurity within the towns themselves,—must have specially moved the small freemen to the formation of the societies above referred to. These inhabitants of the towns were old free landed proprietors; partly of the neighbouring estates, but chiefly of land within the territory of the towns themselves. Most of them carried on trade; some probably also handicrafts. But the possession of town-land is the distinguishing mark of these earliest burghers. To this possession alone was full citizenship everywhere attached in the first movements of civic life. Hence, whilst the dangers just mentioned as threatening liberty and property made it necessary to provide means of protection, and whilst the possession of soil in the same small territory—indeed, within the walls of the same town,—together with the similarity of occupations, increased the community of interests, close vicinity of residence made easy the conclusion of alliances. Naturally therefore, the whole body of full citizens, that is, of the possessors of portions of the town-lands of a certain value, the "*civitas*," united itself everywhere into one Gild, "*convivium conjuratum*;" the citizens and the Gild became identical; and what was Gild-law became the law of the town.

Such Gilds existed in England even in Anglo-Saxon times, as the formerly-mentioned Gilds of Dover, of the Thanes at Canterbury, as well as perhaps the Gild-Merchant at London [1], together

[1] Wilda, p. 244; *Firma Burgi*, p. 26.

with many others, of which only later accounts are extant. Such also were the Gild-Merchant of York [1], the great Gild of St. John at Beverley, of the Hanshouse of Beverley, as well as that of the Blessed Mary of Chesterfield, though these were of a somewhat later period [2]. The Old Usages of Winchester, too, contain many intimations of a former relationship of this kind between the Gild of Merchants there and the whole body of the citizens [3]; and the same is true of the Ordinances of Worcester [4]. One of the documents relating to these Gilds contained in this volume, contains the grants of liberties, and of a Gild, to the townsmen of Beverley, similar to the grant of civic constitutions to several German towns,—as, for example to Lübeck, according to the municipal laws of Soest, to Freiburg according to those of Cologne [5],—and to the grant of communal rights to the people of Rheims, "*ad modum communiæ Laudunensis* [6]" (Laon), by Louis VII. of France. By this document, on p. 151 below, Thurstan, Archbishop of York, grants to the townsmen of Beverley, a Gild, and "all liberties, with the same laws that the men of York have in their city." King Henry I., as well as Thurstan's successors, confirmed this Beverley grant; and there is even a document, stating its confirmation by Pope Lucius III. From this kind of Gild sprang, in England, the method of recognizing the citizens as an independent body, by confirming their Gild [7].

The same relationship between the Gild and the town community existed in France. In Paris, the government of the town lay in the hands of the *mercatores aquæ*, who formed the municipal [8] body. In the eleventh and twelfth centuries, especially in the North of France, appear unions of the free

[1] Wilda, p. 250.

[2] *English Gilds*, pp. 151 and 165. (By the quotation *English Gilds* is always meant the Statutes contained in Mr. Toulmin Smith's collection.)

[3] Cf. *ibid.* p. 357. The Usages date from a time in which the commonalty of Winchester enjoyed already a share in the government of the town. Yet the members of the old Gild of Merchants appear still as its governors; it is from amongst them ("the meste gode men,"—an expression which occurs frequently also in Germany and Belgium for the patrician families) that the Council of the Mayor, and the twenty-four sworn men, are taken; and these exercise a vast influence at the election of the Mayor, and on other occasions. (Cf. *English Gilds*, p. 349.)

[4] *English Gilds*, p. 369.

[5] Cf. Wilda, p. 221, &c., and p. 231, &c.

[6] Raynouard, *Histoire du Droit Municipal en France*, tom. ii. livre iv. ch. i. § 10 (Paris, 1829).

[7] Madox, *Firma Burgi*, p. 27: "Peradventure, from these Secular Gilds, or in imitation of them, sprang the method or practice of gildating and embodying whole towns."

[8] Raynouard, tom. ii. livre iv. ch. i. § 9. See also Wilda, pp. 239–244.

townsmen, in order to protect themselves against the oppressions of the powerful, and the better to defend their rights[1]. So, in 1070, the citizens of Mans established a sworn confederacy, which they called *commune*[2], in order to oppose the oppressions of Godfrey of Mayenne. The people of Cambrai did the same against their bishop in 1076, during his absence; and as he, on his return, refused to recognize their confederacy, they shut the gates of the town against him. An affair of the same kind had taken place there already in 957[3]. These instances might be multiplied. The numerous grants of communal rights to French towns from the eleventh to the thirteenth century, are nothing but the recognition by the king of such Frith-Gilds as had been previously in existence for a longer or shorter period. Kings, even when they did not favour Gilds upon their own demesnes, generally did so upon those of the nobility, whose power they wished to break[4]. But everywhere then, as in later times upon the formation of trade-unions, many transitory confederations, many unsuccessful attempts, and a great expenditure of courage, magnanimity and energy, preceded the permanent establishment of the communes.

Thus, in 1188, Count Philip of Flanders confirmed to the town of Aire in Artois, its laws and customs, such as his predecessors had already granted and recognized to the citizens, in order to secure them from the attacks of "wicked men[5]." These customs were those of the *Amicitia*, the Gild of citizens, which had been established by them probably even before the time of their first recognition, for protection against attacks from without, and for securing peace within. What the *Amicitia* was for Aire, the so-called *Vroedscapen* were for the towns of the Netherlands[6], the *Hezlagh* for Sleswig[7], and apparently the *St. Canute-Gild* for Flensburg[8]. There are hardly any records bearing reference to Gilds in Germany in the tenth and eleventh centuries; probably because they had disappeared from public notice in consequence of the measures taken against them by princes and bishops; yet the relations existing at a later period between the "highest Gild" and the town, leaves no doubt that

[1] See the account of the grounds of ratification in the Charters of the French Kings. Raynouard, tom. ii. livre iv. ch. 7.

[2] In Belgium and Germany it was only the unions of the lower classes which were called communes.

[3] Cf. Moke, *Mœurs, Usages, Fêtes et Solennités des Belges*, Bruxelles, ii. p. 6.

[4] Raynouard, tom. ii. livre iv. ch. 7, 8; Wilda, p. 152.

[5] D'Achery, *Spicilegium* (ed. Paris, 1723), tom. iii. p. 553: "Quas ob injurias hominum perversorum propulsandas . . . eis indulserunt." See also Wilda, pp. 147–151.

[6] Wilda, p. 151. [7] Ibid. pp. 77, 152–158. [8] Ibid. p. 158, &c.

here too the Gild was the germ of the town-constitutions[1]. "But the enigma, that many towns in France (as even Paris, and almost in like manner in England, London) had municipal constitutions, without such a commune or Gild ever having been granted to them, finds its solution in the fact, that the Gilds existed there before German municipalism had come into being, and that the latter had developed itself unnoticed out of the former[2]." This may also be said of the great towns of Flanders[3]. Of London, more anon[4].

The earliest notice of such a Town-Gild upon the Continent, of that in Sleswig, contains a noble instance of a daring fulfilment of the duties imposed upon the Gild-brothers. Magnus, the son of King Nicholas of Denmark, had slain the Duke Canute Lavard, the Alderman and protector of the Sleswig Gild. When King Nicholas, in 1130, came to Hetheby (that is, Sleswig), his followers advised him (as an old Danish chronicle relates) not to enter the town, for the townsmen put in force the law with extreme severity within their Gild, called Hezlagh, and did not suffer any one to remain unpunished who had killed or even injured one of their brethren. But the king despised the warning, saying, "What should I fear from these tanners (pelipers) and shoemakers?" Scarcely, however, had he entered the town, when the gates were closed, and at the sound of the Gild-bell the citizens mustered, seized upon the king, and killed him, with all who tried to defend him[5]. Thus, even at the beginning of the twelfth century, the Gilds enjoyed in Denmark such respect, that the lord of the land, Duke Canute, was pleased to become their Alderman: and they had such power that they could venture to revenge, even upon a king, any violation of the law committed on a member of their great family.

The Sleswig Gild was called *Hezlagh*, that is, either sworn Gild, *convivium conjuratum*, or highest Gild, *summum convivium*[6]. If the latter, other Gilds must have existed besides it. Although the body of citizens and the Gild originally included the same persons, yet the quality of being a full-citizen did not of itself include the fellowship of the Sworn-Gild; for this a special acceptance was required. Now, as the towns flourished and increased in well-being, material differences in property must have arisen among the full-citizens — partly through the failure of individuals in the race for wealth, partly through the settlement of new poor families in the town—which could not but have a lowering effect on their occupations[7]. This led to

[1] Wilda, p. 170. Compare also Arnold's *Verfassungs-Geschichte der deutschen Freistaedte*, 1854, i. p. 401.
[2] Wilda, p. 152. [3] Moke, i. 191. [4] See pp. xcviii, xcix of this work.
[5] Wilda, p. 71. [6] Ibid. p. 72. [7] Arnold, ii. p. 208; Moke, i. p. 179, ii. 107.

closing the old Gild which hitherto had existed alone in a town; by the side of which others then formed themselves with the same or similar ends. But the oldest Gild maintained a very natural precedence over the others, and was even called the "higher", or "highest[1] Gild." Gradually, some system of hereditary transmission of the freedom of the Gild came into existence *de facto*, in that the son generally entered the fraternity to which his father belonged: the sons of Gild-brothers were naturally more willingly accepted than other new members, and, later on, the conditions of entry were rendered more easy for them. Thus originated a certain circle of families which from generation to generation belonged to the highest Gild, and continuously constituted its stock. The oldest Gild remained no longer equivalent to the whole body of citizens; the Full-burghers Gild became the Old-burghers Gild, and according to place and time its development became more or less aristocratic[2].

In Sleswig, when King Nicholas was slain there in 1130, the Gild still included the whole body of the citizens. The Chronicle at least speaks of the citizens in general, who mustered at the call of the Gild-bell (the town-bell)[3]. On the other hand, in Germany, at a somewhat later period, the government of the town is everywhere found in the hands of a "highest Gild." In Cologne the *Richerzechheit*, or Gild of the rich, *summum convivium*, occupied the municipal offices. In the eleventh century, during the struggle of the Cologne people against their bishop, Hanno, there was still only one Gild, which included the whole of the citizens:—at least there is no mention of patrician families. But by the end of the twelfth century this Gild had become a *summum convivium*[4]. The government of the town rested exclusively with a "patrician-aristocracy," the *Richerzechheit*, which had already grown insolent, exercised an oppressive sway, and looked upon power as a lucrative monopoly. This led, in the thirteenth century, to violent revolts of the craftsmen, particularly the weavers, who were especially thriving there. They were no longer willing to bear alone the burdens of the Commonwealth, but desired a share in the administration, at least in what concerned the management of the city household, and especially as the "Old-burghers" contributed least to the payment of the taxes. Several times, indeed, we see the weavers allied with the bishops of Cologne against the

[1] Wilda, p. 170, quotes the Statutes of Dortmund: "Si vero percussor est confrater *maioris gylde nostræ* amam vini superaddat burgensibus pro emenda." The members of the highest Gild enjoyed also the privilege of a less number of sworn brethren being required. Cf. Wilda, pp. 75–86.

[2] Cf. Wilda, pp. 77, 78; Arnold, vol. i. p. 246.

[3] Wilda, p. 77.

[4] See also Arnold, vol. i. p. 401 &c.

ruling families. The like often happened in those days—as for example, at Liège, Huy, and Bâle—and also in the earlier alliances of the French communes with the kings against the nobility, as well as in the modern alliances between the working-classes and Tories, or Cæsars. But the men of Cologne did not succeed in their object, in the overthrow of the patricians, until the second half of the fourteenth century. Contemporary with the *Richerzechheit* there existed in the town other Gilds of merchants; but information as to their participation in the government of the town is wanting [1]. Traces of the same or some similar development are to be found in Spire, Strasburg, Frankfort-on-Main, as well as in Freiburg and Lübeck, and in several other towns [2]. The frequently recurring repetitions, by the town-hating Hohenstauffen, of Charlemagne's prohibition of conjurations (societies bound by mutual oaths), are shown by this to have been nothing but abortive attempts to annihilate the Gilds, whose existence was peremptorily required by the circumstances of the time. These prohibitions however affected the highest Gilds less than the others; at least, Frederick II.'s prohibition of the Gilds of Goslar in A.D. 1219, specially excepts the Gild of Coiners [3], which in the free towns was regularly identical with the highest Gild, as in Cologne, Spire [4], and other places.

In England, where the Gilds were far in advance of those of any other country, there were highest Gilds of the kind described, even in Anglo-Saxon times. There, according to Lappenberg [5], the landed proprietors on or near whose estates the towns were built, for a long time exercised great influence in them, and constituted their aristocracy. Thus, in Canterbury, the condition of becoming an alderman was the possession of an alienable estate (*soca*), the possessors of which were united with other landed proprietors to the there-existing old Gild of the Thanes. But as there were at Canterbury two other Gilds besides, this Gild of the Thanes was probably the *summum convivium* of that city [6].

With a much higher degree of development we have however to deal, as I believe, in the before-mentioned union of the Frith-Gilds of London, the like of which recurs at a later period at Berwick-upon-Tweed, and in a less degree of perfection in the German towns. The fact of London preceding other places in this development, presents no difficulty, since England must be regarded as the birthplace of Gilds [6], and London perhaps as their

[1] Wilda, pp. 176–194, 235 &c. 257 &c.; Arnold, vol. i. pp. 418, 419, 425, 433.
[2] Wilda, pp. 194–228, 231.
[3] Wilda, p. 169.
[4] Ibid. p. 195.
[5] Lappenberg, vol. i. pp. 610–612.
[6] See Additional Notes, No. 1.

cradle. At least there is documentary evidence that the constitution of the City was based upon a Gild; and it served as a model for other English towns[1]. According to the *Judicia Civitatis Lundoniæ* of the time of King Athelstan, the Frith-Gilds of London united to form one Gild that they might carry out their aims the more vigorously. This united Gild governed the town; as is proved by the fact that their regulations bound even non-members. The occasion of this union was, perhaps, that here, as afterwards in other places, other Gilds had gradually formed by the side of the original sole Gild, and rivalries between the old and the new prejudiced the attainment of the aim of the Gilds—the protection of freedom and of right. Possibly the English *Knighten Gild* was this original one. According to Madox[2], the alderman of the Knighten Gild was the alderman of the Merchant Gild of the City. Nor is our conjecture contradicted by Stow's statement[3] as to the date of the origin of this Gild; for this was probably only a sanction for the Gild's possession of landed property which it had received from King Edgar. It would not of course require royal permission to come into existence. The Knighten Gild had possession and jurisdiction both within and without the City, and its lands afterwards formed a quarter of London, whose name "Portsoken" shows also that it was formed from a territory situated originally without the city gates[4]. It was thus probably a Gild like that of the Thanes of Canterbury.

A similar union took place three centuries later at Berwick-upon-Tweed. In the years 1283 and 1284 the townsmen of Berwick agreed upon the statutes[5] of a single united Gild: "that where many bodies are found side by side in one place, they may become one, and have one will, and, in the dealings of one toward another, have a strong and hearty love." Article I. therefore provides that "all separate Gilds heretofore existing in the borough shall be brought to an end," and that "no other Gild shall be allowed in the borough." All formerly existing Gilds were to hand over to this one Gild the goods rightfully belonging to them, and "all shall be as members having one head; one in counsel, one body strong and friendly." The way in which this statute was drawn up shows clearly that "citizen" and "Gild-brother" were considered identical. It also contains a series of regulations concerning the administration of the

[1] Wilda, p. 248. See also Hüllman, *Städtewesen*, vol. iii. p. 73.
[2] *Firma Burgi*, p. 30.
[3] Stow's *Survey of London* (ed. 1720), bk. ii. p. 3 &c.
[4] Lappenberg, vol. i. p. 614; cf. also Wilda, p. 247.
[5] *English Gilds*, p. 338, &c.

town, the police of the markets, and various other points of municipal interest[1]. The words of the preamble and of the first article show that, before the union of the various Gilds, rivalries detrimental to the body of the citizens had sprung up. The succeeding articles make it clear that only the better inhabitants, the merchants, were Gild-brethren and citizens[2]: and several of the articles point out that at least one of the consolidated Gilds had been a Frith-Gild[3], which originally coincided with the whole body of citizens[4]. It may be that this first Gild included —as was the case in Canterbury—the old families, the original possessors of the soil in and around the town, who either then or afterwards carried on trade; or that it acquired with the growth of the town an aristocratic family character, as was the case in many German towns; or that it limited, for other reasons, the number of its members. Then new Gilds arose, whose members were but little, or not at all, behind those of the first, either in rank, social consideration, or wealth, and who therefore strove for an equal share in the government of the town. This led, in Berwick, to the above-noticed amalgamation of the Gilds, and in the German cities to a participation in the Town-Councils. Thus it was with Spire and Frankfort; thus also with Lübeck and Strasburg, and probably also with Cologne. In London this process was going on perhaps as early as the tenth century. The admission of these new Gilds formed the transition from the Gild constitution of the town to that of the "commune," which was often further developed under violent storms, when the patricians withstood the ever-increasing struggles for power of those inhabitants who were excluded from political rights. The history of the German and Belgian towns furnishes abundant proof of this being the case.

A peculiar union of Gilds must be inferred from an article in the Gild-Statutes of Malmoe in Denmark[5]. According to this article a confederation existed among the Gilds of various places, and had general assemblies of the Gild-brothers at Skanör. Perhaps its condition was analogous to that of the Flemish Hanse, or of the confederacies of the German towns, or of Edinburgh, Stirling, Berwick, and Roxburgh, united to a general

[1] Articles 2, 15, 16, 19 22, 23, 24, 26, 27, 28, 29, also 30; further 33, 34, 35, 40, 42, 43, 44, 45, 46. *English Gilds*, p. 338, &c.

[2] Articles 18, 25 (as to the last see p. cvii), 20, 21, 30, and others.

[3] Articles 12, 13, 31, 32.

[4] Cf. Article 14.

[5] Wilda, p. 100: "Qui vero in aliquo convivio contumax inventus fuerit vel satisfacere noluerit, si legitime citatus fuerit ad synodum generalem in Skanör, si ibidem respondere contemserit, ex tunc a dicto convivio excludatur." The drawing-up of this statute took place towards the end of the thirteenth century. See Wilda, p. 115.

Scottish Trade-Gild. It reminds one also strongly of the organization of the English Trade-Unions at the time of their change from local into national societies, when they united a great number of towns all over the country.

It may not be out of place here to dwell for a moment on the confederations among the German towns in the thirteenth century which I have just mentioned. They, too, originated from circumstances similar to those which called forth the first Frith-Gilds; they were emanations from the same spirit, were founded on the same principles, and had rules similar to theirs; they were Gilds with corporations as members. The most important among these unions was that of the Rhenish towns. At the time of the interregnum, that is, at the very moment when Germany was left utterly without a ruler, when there was no power to check the princes in the unlimited extension of their rights, when they levied tolls at their pleasure, and ground the poor to the bone by exorbitant taxes; when knights and nobles lived by highway robbery, waylaid streets and passes, and plundered and murdered the merchants; when the strong oppressed the weak, unpunished, and might was right;—in that classical age of club-law, when there was no supreme power in the empire, the union of the Rhenish towns stept for a time into its place. This union was no mere offensive and defensive alliance; its object was the maintenance of an entire system of order and law, and of the authority of the Empire. It forced even princes and nobles to join it. Like the Gild-brothers of Cambridge, the towns entered upon mutual obligations by oath; and the measures which they adopted for the protection of their members, and for the chastisement of the breakers of their peace, were similar to the Cambridge ones. A special clause insured common protection to the poor and little as well as to the mighty and great, whether they were lay or cleric, Christian or Jew [1].

A short examination of the Statutes of the Town-Gilds will justify our claim for these confederations of towns to be shoots from the same root, fruits from the same tree, and higher stages of the same development from which the Frith-Gilds sprang. From the time when these Frith-Gilds stood at the head of the towns, their Statutes show, without a particle of change, the essential nature of the Gilds as disclosed by the Gild-Statutes of Cambridge. These Gilds appear as an enlarged great family, whose object is to afford such assistance to their members in all circumstances of life as one brother might expect from another,

[1] See Arnold, vol. ii. p. 66 sqq.; Barthold, *Geschichte der deutschen Städte und des deutschen Bürgerthums*, vol. ii. p. 200 sqq. Leipzig, 1850.

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and consequently, above all things, protection against the unbridled arbitrariness of the mighty, whether exercised by violence, or attempted at law by means of numerous friends as compurgators. The Gilds do not appear however as associations for instituting a *new* law, but for maintaining the laws already existing, for supplementing a system of order as yet defective and only in course of development, and for guarding in common against the dangers attending a weak government.

The most detail-giving Statutes of Frith-Gilds which any country can show, are the Danish [1]. The following statements [2] rest mainly on their Ordinances :—

If a Gild-brother has been slain by a stranger, the Gild appears as an ally of his relations for taking revenge, or for obtaining the *wergild* or blood money. But if a Gild-brother has slain a stranger, the Gild assists him in the atonement he must make for the manslaughter, by means of the wergild; or in his escape, if he has been outlawed for the crime. Even if one Gild-brother kills another, the case is chiefly considered as a matter for the family of the slain; and, having made atonement to it, the culprit may remain a member of the fraternity. Only in the case of malicious and wilful murder was he expelled as a worthless man (*niding*), and left to the mercy (that is, vengeance) of his victim's family. The Gild-brothers also rendered each other such assistance as was sanctioned by the laws and customs of the time, in prosecuting and supporting their rights in courts of law. But it was everywhere the first principle of the Gild to assist him only who had justice on his side. How strictly this principle was observed may be inferred from the universal esteem enjoyed by the Gild-brothers, so that their evidence was considered specially credible; and wherever twelve persons were required as jurors or compurgators, half the number of Gild-brothers, or even less, were deemed sufficient.

To maintain and carry out their Ordinances, the Gild required a special jurisdiction; and, in consequence of the necessary distrust by the citizens of that time of the tribunals of their masters, it was natural that quarrels of all kinds which arose between members after their admission were brought within the reach of the

[1] Gilds had probably been transplanted from England to Denmark under King Canute, about the middle of the eleventh century. They soon placed themselves under the special patronage of the three royal saints of the land, St. Canute the King, St. Canute the Duke, and St. Erich the King, and were called after them St. Canute's Gilds and St. Erich's Gilds. From that time the government got-up relations with them, and favoured them as associations for the maintenance of law, security, and order.

[2] Compare especially Wilda, pp. 116–144, and the Gild-Statutes contained in this volume.

Gild. Quarrels among members only came, as a rule, within the jurisdiction of the association; and it was only in consequence of the peculiar relation of some Gilds to the town that disputes between non-members had also to submit to the Gild. The limits of this jurisdiction varied according to time and place; but it was everywhere the rule that Gild-brothers, before going into the law-court, had to bring their case before the Gild for the sake of attempting, at least, reconciliation between them. But the Gild never assumed a right over the life and limbs of its members; compensation only, and fines, were used for punishments, the highest penalty being expulsion.

The same regulations as the Religious Gilds had with regard to helping Gild-brothers in every need, are to be found in the Frith-Gilds. On this point the Statutes of the Gilds of all countries are almost identical. If a brother falls into poverty, if he incurs losses by fire or shipwreck, if illness or mutilation renders him unable to work, the brothers contribute to his assistance. If a brother finds another in danger of life on sea or in captivity, he is bound to rescue him, even at the sacrifice of a part of his own goods; for which, however, he receives compensation from the brother assisted, or from the community. English Gild-Statutes frequently mention loans to be given to brothers carrying on trade, often with no other condition than the repayment of it when he should no longer need it. The sick brother found in his Gild aid and attendance; the dead was buried[1]; for his soul prayers were offered, and services performed; and not unfrequently the Gild gave a dowry to his poor orphan daughter. The numerous provisions as to the poor, as to pilgrims, and other helpless people, in the Statutes of English Gilds, prove that non-members in want found help from them as well.

The regulations as to the payment of chaplains of the Gild, as to common service and prayers, as well as to common feastings, were equally general: and everywhere fines recur equally for the infringement of the agreed-to Ordinances, for unseemly behaviour, and for offending of members.

There was an alderman at the head of the Gild, and often stewards by his side as assistants. Other officials are also now and then to be met with. The reception of a member depended upon the whole association. If any one living in the country, or a foreigner, wished to become a member of the Gild, a citizen had to pledge himself for his honour. In an association so closely united, the honour of every single member was to a certain extent the honour of the whole body. Pure life and spotless

[1] See also especially Moke, vol. ii. p. 92.

reputation[1] must therefore appear as *the* condition of Gild-freedom. Besides this, the Gild-Statutes demand no other condition for admission. Everybody entering the Gild had to bind himself by oath to keep the Gild-Statutes.

Women also might become members of the Gild. They were, however, generally the wives or daughters of Gild-brothers. It is only an exception when in several of the Gilds women became free of the Gild in their own right. They, however, shared only in the advantages and burdens of the Gild, and never took part in its administration or its councils.

Many of the towns whose government was in the hands of such Gilds, especially those accessible by the sea, had been founded by merchants. Like the modern so-called "factories" in Asia and Africa, the old merchants fortified places from which they carried on trade with the surrounding people. But in all other towns also the great majority of the more respectable burghers lived by trade. "When the Normans approached the harbour of Tiel," says a writer of the eleventh century, "the population living on the Wahal fled, leaving behind all its goods, money excepted: for it consisted of merchants." He speaks besides of their common feastings, and says that they did not pronounce sentence according to the law of the land, but according to their own will, maintaining that the Emperor had granted and confirmed to them this right by charter[2]. It is therefore evident that a Gild of merchants existed there, who governed the town. The excellent market of Antwerp is mentioned as early as 837, in which year the Normans put it to the flames; Gant (Ghent) is described as flourishing by trade and fishing; and the same may be said of a number of other Belgian and French towns. The magistrates of Paris are said to have been called

[1] A passage not yet sufficiently explained in the Sleswig Town-Statutes (Wilda, p. 83), appears to me to find its explanation from this fact. According to this passage, the Gild-brothers needed a less number of compurgators than a non-member of the Gild. If the latter was not married, however, he enjoyed the same privilege as a Gild-brother. But if he married, and was not a member of the Gild, he required the double number. People have justly sought for a special explanation of this Ordinance, by which the married was placed in a worse position than the unmarried. Now at that time the *civitas* and the *convivium conjuratum* were identical, it is true; nevertheless, the quality of a full-citizen did not give by itself the freedom of the Gild. A special admission was required. But every married full-citizen of unstained reputation was doubtless a member of the Gild; and if he were not, it was a sign that some stain on his honour excluded him, which justified in itself the requirement of a greater number of compurgators. But as long as a man was not married, he was not considered an adult; he could not therefore require to be a member of the Gild, and no one could wish to subject him to disadvantages at law for the simple reason that he was young. Compare also the regulations at Hamburg, Wilda, p. 268.

[2] Moke, vol. i. pp. 118, 120, 192.

nautæ in the times of the Romans [1]; and in deeds of the twelfth century the words *burgenses* and *mercatores*, or *mercatores per aquam*, are used as synonymous. The corporation of the Paris merchants stood at the head of the town [2]. It was the same with the towns in Germany. Of the foundation of Freiburg in Brisgau we are told, that when Berthold of Zähringen intended to found a free city, with the same liberties and laws as the men of Cologne had in their city, he first assembled a number of respected merchants, to whom he allotted ground for the building of houses on the place destined as the market-place. From their number he took also the consuls of the town. Lübeck was founded likewise on the basis of a free merchant community. And as it was in these towns, so it was in their prototypes. At Cologne, in the eleventh century, the terms "burghers" and "merchants" are alternately used as synonymous. At Spire the patrician families of the town, from whose ranks the council was taken, carried on trade. In like manner the leading families of Ratisbon consisted of merchants [3]. As to Denmark, the Danish word for town—*Kiöbsted* (bargain-place)—sufficiently denotes its character. In London also the Gild which was the base of its constitution, may have consisted chiefly of merchants. Wilda [4] alleges, in proof of this conjecture, the early importance of London trade; the ordinance in the above mentioned *judicia*, that every merchant having made three long sea-voyages on his own account was to have the rank of a Thane; and lastly, the report, that in a national assembly at Oxford in the year 1036, the shipowners, as the most important burghers of London, were delegated to elect King Hardicanute. There is no doubt as to the mercantile character of the later Town-Gilds in England; they are even called there *gildæ mercatoriæ* [5]; and the

[1] Moke, vol. i. pp. 114–123. [2] Raynouard, tom. ii. livre iv. ch. i. § 9.
[3] Wilda, pp. 231, 233, 236, 260, and 235.
[4] Ibid. p. 249; see also Madox, *Firma Burgi*, p. 26.
[5] One of these *gildæ mercatoriæ* certainly existed at York in the time of Henry I. At this date the Gild at Beverley was constituted after its model. (See p. 151 of Mr. Smith's collection.) It became the general rule to confirm the Gild of a town by granting it all the liberties which another town already enjoyed. Wilda (p. 251) quotes from Madox, as towns which had received this confirmation under Henry II., Winchester, Shrewsbury, Andover, Southampton, Wallingford; under Richard I., Gloucester; under King John, Helleston and Dunwich; under Henry III., Hereford. Into the reign of the latter king falls also the rise of the Gild at Chesterfield. (See p. 165 of Mr. Smith's collection.) If the *gilda mercatoria* at Coventry (p. 226 of Mr. Smith's collection) was really a Town-Gild, its rise must belong to a much earlier time than its confirmation by Edward III. in 1340. Perhaps this confirmation was only a repetition of the sanction of the corporate rights, which might appear desirable to the merchants of Coventry, the better to protect their commerce, which, according to their complaints, suffered from their great distance from the sea. Besides, the Gild, as Mr. Toulmin Smith justly remarks,

words by which the king confirms their Gild to the burghers of a town, are often "quod habeant *gildam mercatoriam* [1]." In Scotland too the *gildæ mercatoriæ* stood at the head of the towns [2].

Security from external dangers, and the maintenance of peace in the interior of their towns, had been the original motives of the burghers in uniting themselves into these Gilds. But as almost all Gild-brothers carried on trade, the once existing organization was soon used for the furthering of the common trade interests; for it was in the nature of the Gild to provide generally for all wants which the family union was no longer sufficient to satisfy, and for the provisions for which the State was not yet developed and strong enough. To confederate in defence of liberty and right, was in itself the first requisite for the prosperity of trade and traffic. The regulations also that a Gild-brother who had incurred losses by shipwreck or undeserved misfortune, should receive compensation, may properly be referred to here; and, more still, the gratuitous loans given to the poor Gild-brother for carrying on his trade [3]. Moreover, it was the special endeavour of the Gild to obtain privileges which would further trade, for instance, the right of coinage, staple-right, immunity from tolls, &c.[4] The Gild provided also for the regulation of industry, and for buying and selling (compare, for instance, the statutes of Berwick-upon-Tweed [5], and of the Gild of the Holy Trinity at Odensee [6]); and for institutions such as the cloth-halls, with their severe control of wares, of which there existed one as early as 1060 at Valenciennes [7]. The importance of these cloth-halls may be seen from the fact that the merchants of Novgorod, after having several times received defective pieces of cloth from other places, determined that no cloth but that from the hall at Bruges should be allowed entrance into the Baltic ports and the Eastern markets [8]. The sooner a town became chiefly a commercial place,

might be erected without confirmation. At all events, the fourteenth century was no longer the time in which, on the foundation of Gild-Merchants, town-constitutions were formed. Moreover, earlier Gilds existed at Coventry; and the statutes contain nothing which characterizes the Gild as a Town-Gild. Perhaps also this Gild was nothing but a union for mere trade purposes. The Gild of the Holy Cross at Birmingham of the year 1392 was no *gilda mercatoria*, but appears much more like a Religious Gild. (See p. 239 of Mr. Smith's collection.)

[1] Madox, *Firma Burgi*, pp. 27, 132; *Hist. of the Exch.* vol. i. p. 412.

[2] Herbert, *Hist. of the Twelve Great Livery Companies of London*, 1837, vol. i. p. 22.

[3] See pp. 176, 229, &c. of Mr. Smith's collection.

[4] Ibid. pp. 151, 152.

[5] Art. 22, 30, 36, 37, 38, 39, 41, 43. These Articles probably belonged to the various Gilds amalgamated in 1284.

[6] See Wilda, p. 274.

[7] Moke, vol. ii. pp. 52, 90, 102. See an account of English cloth-halls in the *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, 1806. See also p. clxxi, below.

[8] Ibid. p. 103.

the sooner did the Gild there take the character of a Merchant-Gild. These Gilds had also the superintendence of the craftsmen, as I shall notice when I speak of the origin of the Craft-Gilds. The Gilds founded by the merchants of the same land, even of the same town, in foreign countries—perhaps the oldest, and the prototypes of all others—and their confederacies among each other and with the mother country, the Hanse, can only be mentioned here, as to enter into details would lead us too far.

Though the Merchant-Gilds consisted chiefly of merchants, yet from the first, craftsmen as such were not excluded from them on principle, if only such craftsmen possessed the full citizenship of the town, which citizenship—with its further development—depended upon the possession of estates of a certain value situated within the territory of the town. The strict separation which existed between the merchants and the crafts probably arose only by degrees. Originally the craftsmen, no doubt, traded in the raw materials which they worked with. Thus the London tailors were, even in the time of Edward III., the great importers of woollen cloth [1]; and as late as the sixteenth century the brewers of Hamburg were the principal corn-merchants [2]. The growth of wealth and of the number of the people necessarily called forth greater division of labour; the full citizens having become rich, only carried on trade, whilst the handicraft was left exclusively to the poor and the unfree. The poor were originally excluded from full citizenship and from the Gild by the want of a property qualification; and when, in consequence of the development which has just been explained, the poor and the craftsmen became identical [3], this led to the ordinance repeated in Danish, German, and Belgian Gild-statutes, that no one "with dirty hands," or "with blue nails," or "who hawked his wares in the streets," should become a member of the Gild, and that craftsmen, before being admitted, must have forsworn their trade for a year and a day [4]. The statement in the Gild-Statutes of Skanör [5] of the year 1266, "that no baker should *henceforth* be accepted as a member of the Gild," belongs probably to the time of the transition just described; perhaps, indeed, the bakers there had formerly been corn-merchants too. Such a state of transition may also be inferred from Article 25 [6] of the statutes of Berwick, according to which no butcher, as long as he carried on his trade, was to deal in wool or hides, except he were ready to forswear his axe. The facts are, that the Gild of Berwick was a

[1] Herbert, vol. i. p. 29. [2] Wilda, p. 117. [3] See also Wilda, p. 300.
[4] Moke, vol. ii. pp. 89, 90, 106, 141; i. p. 193; Wilda, pp. 75, 223, 274, 284, 300.
[5] Wilda, p. 111. [6] See p. 343 of Mr. Smith's collection.

decided Merchant-Gild, and that the members traded chiefly in wool or hides. Formerly this trade was undoubtedly carried on with that of the butchers. But after the craftsmen had been excluded from the Gild, the butchers were forbidden to carry on a trade practised by Gild members. A like case was when the old laws of Gant forbade, in favour of the Gild-Merchant there, that clothes should be dyed for craftsmen [1].

But the craftsman was not only excluded from the Gild, he was governed, and even oppressed, by it. Before, however, entering further upon this question, a short review of the foregoing investigation may be permitted. I have shown above, how after the protection afforded by the old family had been weakened, the common want of protection called forth in neighbours a feeling of family solidarity, and unity of interests of all who were menaced, and how the weakness of them all caused a feeling of general equality and brotherly love; how this led to the entering upon close fraternities, or Gilds, in imitation of the family; how these Gilds were developed, especially in towns; how in their further growth they shut themselves up in their own doors; and how this caused the formation of similar associations among the excluded full-citizens; how, lastly, these associations amalgamated again with the highest Gild at a later period, or obtained a share in the government of the town. Great are the thanks, as Kemble[2] justly and emphatically says, which we owe to these oldest defenders of the dignity of man against feudal arbitrariness: "in the times of the densest seignorial darkness, they offered a noble resistance to episcopal and baronial tyranny, and formed the nursery cradles of popular liberty."

Yet before this liberty attained a wider expansion, many a hard struggle had to be fought with those who had been its midwives. Independence being obtained, the old spirit departed from the citizens[3]. The older the Gild-Statutes, the more favourable are

[1] Moke, vol. ii. p. 89. [2] *The Saxons in England*, vol. ii. p. 312.

[3] A writer of the twelfth century describes the degeneration of the citizens as follows: "Igitur in initio communia fœderationis fuit grata quia optimi viri eam tum sanxere, vita quorum justa, simplex, innocens fuit, ac sine cupididate agitabatur; sua cuique satis honeste placebant, jus bonum apud ipsos valebat, concordia maxima, minima avaritia inerat. Civis civem honorabat, dives minorem non exprobrabat. . . . Postquam vero cives paulatim cœpere torpescere et alter in alterum insurrexere, scelera sceleratorum multa (inulta) reliquere, quisque sua dishoneste dilatavere; . . . sic gradatim vi, mendacio, perjurio inferiores quoque opprimere cœpere; jus æquum, urbis bonum sic evanuit, corruit etiam dominium." (*Chron. Aubertinum*, ad annum 1138; *Hist. Fr.* vol. xiii. p. 499, quoted by Moke, vol. ii. p. 12.) See also Moke, vol. ii. p. 92 sqq. The victory of the Liège citizens over the Duke of Brabant at Steppes in 1213 was followed by a bitter oppression of the craftsmen by the ruling families, carried almost to slavery. The craft organizations were abolished, and the presidents removed; the patricians

they to the man of low rank. Though the citizens were modest and benignant towards the poor, as long as freedom was to be obtained, yet the possession of it rendered them insolent and hard. By the enjoyment of power the descendants of the old simple associates of the Frith-Gilds became proud, ambitious, and tyrannical. The freer and more independent the burghers became, and the less they needed assistance from the general body of the crafts for the defence of liberties acquired and the obtaining of fresh ones, the greater was the degree in which this degeneration of the original noble spirit seems to have taken place. At least it appears to me that the greater dependence on a strong executive power, in which the towns remained in England and Denmark, was one of the causes why we find there no patrician order, whilst the ruling class in the Belgian and German towns, which had grown into small, and almost independent, republics, formed itself into an exclusive aristocracy. This aristocracy consisted chiefly of the descendants of the old merchant families, and partly of the offspring of the noble possessors of the surrounding estates, and of the officials originally appointed by the princes for the government of the towns.

The accumulation of riches helped to widen this ever-increasing breach between the feelings and interests of the different classes. Riches acquired by trade and employed in the purchase of estates and lucrative privileges, and the like, enabled the Gild-brothers to remain idle. Idleness became a matter of rank and of honour[1], and a part only of the Gild-members carried on wholesale trade. Even the laws of the land make the distinction between the patrician and the man "without hearth and honour, who lives by his labour," and the former might with impunity box the ears of the latter for not showing him sufficient respect[2]. As ever, the ruling class, these patricians, also threw the chief burden of the taxes upon the governed. Frequent raisings of these taxes made them always more oppressive, while the income which they afforded, as well as the corporation property and the revenues it yielded, were employed for the private uses of the ruling families[3]. Besides this, the law was partially administered, or redress entirely refused to the unprivileged; and the worst oppressions

went even so far as to forbid the craftsmen to drink wine, except in case of sickness (Moke, vol. ii. p. 69).

[1] Arnold, vol. ii. p. 195; Wilda, p. 201.

[2] Thus the municipal law of Brussels of the year 1229 (Moke, vol. ii. p. 115).

[3] Arnold, vol. i. pp. 418, 419, vol. ii. pp. 299, 343, 377; Moke, vol. ii. pp. 13, 25, &c. Lacomblet, *Urkundenbuch des Niederrheins*, vol. ii. p. 245, Dusseldorf, 1840: "Quod quociens placet maioribus ciuitatis, ipsi faciunt . . . noua exactionum statuta, quarum exactionum onus portant fraternitates et alii populares, qui communitas appellantur et sic depauperantur," etc.

in consequence of the *mundium*[1] led to the fear that a new serfdom might arise. As many of the craftsmen had once stood in the *mundium* of the bishop or the burgrave, as long as these ruled over the towns, so, after the patricians had got the dominion, a *mundium* of these over the lower classes came into existence, and those "who struck the lion down, had to pay the wolves homage." The mundmen were obliged to swear an oath (*fidelitas*) and to agree to services and taxes, for which the mundmasters promised them protection and assistance. This relation was particularly rigid at Strasburg; some of the ruling families there extorted in this way from the craftsmen a yearly rent of from 300 to 400 quarters of oats. In Cologne the craftsmen were almost the serfs of the patricians. Had the dominion of the patricians lasted longer, this dependence would certainly have become hereditary[2].

The general deep hatred of the governed towards their oppressors seems therefore only too just; and the one idea which animated the souls of the craftsmen of the thirteenth and fourteenth centuries[3], the abolition of the patriciate, seems only too easily to be understood. It was not seldom that they were aided in this endeavour by the degeneration of the patricians themselves. The principles of association, of brotherly love and unity of interests, under which the patricians had grown free and strong, must have hindered the rivalries of the strong in all their endeavours; and in free competition they fought for superiority in the towns in which a patriciate was most predominant. I need only recall to mind the fights between the Overstolzen and the Weissen at Cologne, between the Zornen and the Mülnheimer at Strasburg, between the Starbearers and the Popinjays at Basle, the strifes of the Auer with the rest of the patricians at Ratisbon, and the similar differences among the ruling families at Spire[4]. But the more the interests of the strong differed, the closer were the confederations of the weak. Already in the thirteenth century in all these towns the most violent struggles broke out between the craftsmen, united in the most brotherly way into Craft-Gilds, and the hated patricians. Tournai, Gant, Bruges, Brussels, Louvain, Huy, Liège, Cologne, Frankfort-on-Main,

[1] Protection given by a noble or rich man to a poorer, for services to be rendered, and assessments paid by the latter.

[2] Arnold, vol. i. p. 425; vol. ii. pp. 192, 193; Moke, vol. ii. p. 69; Lacomblet, vol. ii. p. 245.

[3] Moke, vol. ii. p. 127, says: "L'histoire du 14 siècle n'a rien de plus extraordinaire que la persistance des tisserands et des foulons de Brabant à rêver encore leur cité détruite, comme jadis les Hebreux captifs songeaient à la reconstruction de Jerusalem."

[4] Arnold, vol. i. pp. 352, 366; vol. ii. pp. 297, 396.

Spire, Strasburg, Bâle, Augsburg, Magdeburg, Halle, and all other towns, however named, were witnesses of the changing fortune of their contests. Towards the end of the fourteenth century the victory was almost everywhere on the side of the Craft-Gilds.

Fierce[1] as the civil war had been, the people were moderate and gefterous in their victory[2]. Their idea was that of equality of political rights and of justice. Notwithstanding their hatred against their tyrants, the multitude did not wish violence to put its stamp on their laws; they did not wish to oppress those who for former merits might have a right to participate in the government of the towns, and who by education were their superiors[3]. Mixed governing bodies were formed, consisting of patricians and craftsmen; and often even a majority of one vote was left to the former[4]. In some places, it is true, the craftsmen compelled the patricians to enter their fraternities if they wished to take part in the government of the towns[5]; but even then the great soon got such paramount influence, that new laws had to provide that the "small folk" should form half of the council of the Craft-Gild[6]. The craftsmen did not, however, in the long run remain at the head of the town; but the political equality which their efforts had obtained was maintained in principle; the old Gild constitution was replaced by that of the "commune."

In England the same change of the town constitution went on at the same time. The ordinance of the London citizens in Edward the Second's time, that no person, whether an inhabitant of the City or otherwise, should be admitted to the freedom of the City unless he were a member of one of the trades or mysteries[7], shows clearly the preponderance of the craftsmen. But the completion of their triumph may be seen by the account, that "In the 49th Edward III. an enactment passed the whole assembled commonalty of the City, by which the right of election of all City dignitaries and officers, including members of parliament, was transferred *from the ward-representatives to the trading-com-*

[1] Thus, for instance, at Magdeburg in the year 1301 ten aldermen of the Craft-Gilds were burnt alive in the market-place. After the Cologne weavers had lost, in 1371, the "Weavers' Battle" against the ruling families, thirty-three weavers were executed on November 21, 1371; on the day after also houses, churches, and monasteries were searched; all who were found were murdered; lastly, 1800 of them were exiled, with their wives and children, and their hall, "a palace," was demolished. The exiled found a reception at Aix-la-Chapelle, where they helped considerably to raise their trade. Further examples could easily be enumerated.

[2] Compare the generous treatment of the South by the North after the close of the late civil war in the United States.

[3] See Arnold, vol. ii. p. 191.

[4] Moke, vol. ii. p. 131.

[5] See Moke, vol. ii. p. 80. The same happened at Cologne.

[6] See Moke, vol. ii. p. 159.

[7] Herbert, vol. i. p. 27.

panies[1]." In the year following, the number of the companies which took part in this election was increased from thirty-two to forty-eight[2]. Nevertheless here also the power remained ultimately in the hands of the old burghers. When, after the ordinance under Edward II., all citizens of London were obliged to belong to the Trade-Gilds, the old burghers probably entered, as in a similar case the old ruling families of Cologne did[3], into some of the better Trade-Gilds, from which in later days sprang the so-called twelve great companies; and they pursued under new shapes their old political and industrial interests. Already, towards the end of the reign of Edward III., the separation of these richer companies from the poorer ones may be observed. They gained paramount influence in the Common Council; and from this time dates the still-existing custom of choosing the Mayor of London exclusively from them[4]. The Grocers—merchants who, according to Herbert[5], received their name from the engrossing (buying up wholesale) "all manner of merchandize vendible"—were particularly powerful. Not less than sixteen aldermen belonged to their Gild, and in 1385 they carried the election of Sir Nicholas Brembre as Mayor for two successive years against the rest of the citizens[6]. As regards industry, the rule remained however for centuries, as will be shown further on, to the principle of small capital (see pp. cxxiii, cxxiv).

In the time of King Henry VI. the victory of the crafts was general in England; for about that time the kings, as Madox[7] tells us, began generally to recognize the constitution and liberties of towns in other terms than by confirming their Gilds. "They granted to the men of a town or burgh that they should be a *communitas perpetua et corporata*, a corporate and perpetual community." The Craft-Gilds, whose rise the old city authorities had endeavoured till now also here to suppress, obtained the victory[8] about the same time as their brethren on the Continent did. A more detailed account of the transition is wanting. Nevertheless in England there is nothing to be found of the severe struggles of the German and Belgian companies against the patriciate. The latter never attained a similar development on British soil; probably because, as has been stated, the rich did not obtain a similar independent dominion in the towns, which were less independent of the sovereign; and because

[1] Quoted by Herbert, vol. i. p. 32, from Norton's *Commentaries on London*.
[2] Herbert, vol. i. p. 33.
[3] See Wilda, p. 259.
[4] Herbert, vol. i. p. 36 sqq.
[5] Ib. p. 29.
[6] Ib. pp. 38, 39.
[7] *Firma Burgi*, p. 27.
[8] See Delpit, *Collection générale des documents français qui se trouvent en Angleterre*, tom. i. p. lxxx. Paris, 1847.

there is not in the English aristocracy in general that caste-like seclusion which characterizes the Continental nobility. Greater freedom of the lower classes, as well as the gradual formation of political institutions according to the relative amount of the social power of different classes, which is so characteristic of England, perhaps contributed in this case too—as under similar circumstances of later times—to ward off a bloody revolution.

In the Danish towns also no real exclusive rule of special families seems to have sprung from the Gilds. The towns in Denmark were smaller, and therefore the Gild did not appear, in proportion to the entire population, as a close circle of families. Commerce was there of less importance, and so no very great difference arose between merchants and craftsmen in point of fortune. To this must be added the less independence of the towns in general as already mentioned. For these reasons also the Gild existed in Denmark until the time of the Reformation, which shook vehemently the whole system of Gilds, and wrought the fall of most of them, on account of their connection with the Roman Catholic service. At a later period, it is true, Gilds were carried on or re-established in Flensburg, Copenhagen, and other places. But after the political as well as the religious objects of the Gilds had disappeared, there remained of their old essence nothing but social purposes. Shooting at the popinjay was an old exercise handed down from the glorious times of the burghers, when they combated kings and made them responsible for wrongs committed on Gild-brothers. This became now their chief object. The old St. Canute-Gilds changed everywhere into Archer-Gilds; kings sometimes became members of them; and the degenerated descendants of the Hezlagh of Sleswig, instead of, like their forefathers, defending their old liberties and privileges against sovereigns with the bow, shot in common with them at the popinjay[1].

In Germany too these Gilds, where they went on, and sometimes—as the House Limpurg in Frankfort-on-Main—still exist, sank into the same political insignificance; and the only advantage which the Gild now affords is the right of receiving assistance from its funds in certain emergencies of life.

[1] Wilda, pp. 156 sqq., 161 sqq., 283 sqq.

IV. THE CRAFT-GILDS.

THE origin of the Craft-Gilds—which everywhere in the fourteenth and fifteenth century, as has just been shown, either snatched the government of the towns from the hands of the Old-burgher Gilds, or at least obtained a share in it by the side of those Gilds—has been the subject of considerable controversy. In spite of the absolutely independent origin and development of the handicrafts in the Germanic states of the Middle Ages, and in spite of their character being entirely different to that of the Romans, some authors, finding in the Roman *collegia opificum* institutions which may in some degree be compared to the Craft-Gilds, have derived from them the unions of the handicraftsmen that sprung up with the handicrafts. But this view needs rather to be proved historically by its adherents, than to be refuted by its opponents. It would be much more probable that the Craft-Gilds descended from the companies into which, in episcopal and royal towns, the bond-handicraftsmen of the same trade were ranged under the superintendence of an official, or that they took their origin from a common subjection to police control or from common obligations to pay certain imposts. But even these views deserve no further consideration after Wilda's striking refutation. "The Craft-Gilds," as Wilda says, "did not spring from subjection and dependence; they originated in the freedom of the handicraft class[1]."

The population of the towns, at least of those on the Continent, consisted, as late as the eleventh century, of officials, old freemen, and bondmen[2]. To the last belonged the greater part of the handicraftsmen, who, obliged to pay certain taxes and to perform certain feudal services and labours for their lords, were subjected to officers appointed by them. But besides, there were free handicraftsmen, who in earlier times probably belonged to the body of the full citizens; for the expulsion of craftsmen as

[1] Wilda, p. 307. Compare also Arnold, vol. i. pp. 250–258.
[2] See Additional Notes, No. 3.

such from the full-citizens' Gilds, took place only at a later period of their development, as has been already stated in Part III. As long as one part of the handicraftsmen remained in the organized state of bondage just described, whilst the other part belonged to the full-citizens' Gilds, there was neither want nor room for a further free organization of that class, similar to that of the later Craft-Gilds. The former stood, in all trade matters, entirely under the orders of the lords of the town, whether these were bishops, burgraves, or citizens; and as to legal protection, they were their clients. But the handicraftsmen who were full-citizens received from the full-citizens' Gild on the one hand legal protection, and on the other hand by far greater advantages in matters of trade than even from the later Craft-Gilds; for as full-citizens [1], these handicraftsmen enjoyed perfect freedom of trade in the towns, whilst the foreign handicraftsmen, and those who were not full-citizens, had to buy from the lords of the town the right of carrying on trade, and had to purchase, by various burdens and imposts, the privilege of using the market-halls and other institutions established for buying and selling.

After the free handicraftsmen had been expelled from the full-citizens' Gilds, their relation to the old-burghers was similar to that of the ancient freemen at the time when they confederated into Gilds for protection against the aggressions of the great. On the one hand, the citizens endeavoured to suppress the handicraftsmen into a kind of subjection, and on the other, as, after the expulsion of the royal and episcopal officers, they had the police in market and trade matters in their hands, it was in their power to take measures injurious to the craftsmen. The old-burghers must have felt a great temptation to subject the handicraftsmen, sprung from the free families, to the same imposts as those paid by the bondmen. The right also to allow foreigners, on payment of entrance fees, to carry on trade, could not but endanger the interests of the native craftsmen. Just as in earlier times the maintenance of the personal liberty and the preservation of the small freeholds of the old freemen were concerned, so the question was now to protect the independence of the craftsmen and their earnings, which depended on their stock

[1] Wilda, p. 302. Legal advice of the sheriffs of Magdeburg, in the beginning of the thirteenth century, to Duke Henry the Bearded, for his town Goldberg: "Noveritis vestre nobilitatis benignitas, quod quilibet burgensis, *aut propriam habens domum vel aream quarumcunque rerum venalitatem habuerit,* eas in domo propria libere vendere potest aut pro aliis rebus commutari. De domo quoque, quam ad augmentandum censum vestrum in communi foro frequentari et per singulas mansiunculas inhabitari statuistis, scire debetis indubitanter, quod si dominus noster Archiepiscopus hoc in nostra civitate attemptaret penitus deficeret."

and labour. Isolated, they must have succumbed to the difficulty of their circumstances; hence these of necessity called forth the same free organization of free craftsmen, as that of the old freemen in earlier times. The constitution of the old Gilds evidently served as the model of the Craft-Gilds, and it appears to have been altered only in so far as a change was rendered necessary by the peculiar wants of the craftsmen which made them confederate into Gilds, namely, protection of the industry of the freemen.

Foremost amongst the free handicraftsmen were the Weavers. They formed a kind of middle class between the patricians and the bond craftsmen. The fact that whilst the other crafts worked to supply mere local demands, the Weavers' manufactures found markets in the most distant countries, naturally invested them with greater importance. They were distinguished above all others by wealth, self-respect, and a sense of freedom. Their unions enjoyed of old the greatest independence. In all towns they stood at the head of the craftsmen; and the contests of the handicraft class with the patricians for political emancipation, and its victories, were, above all, the struggles and victories of the Weavers [1].

Accordingly, in all the manufacturing countries of that time, in England, Flanders and Brabant, as well as in the Rhenish towns, the most ancient Gilds were those of the Weavers. The Gild of the London Weavers was chartered by Henry I.[2], and so was that of the Oxford Weavers. In the reign of Henry II. Weavers' Gilds, confirmed by the king, existed at Nottingham, York, Huntingdon, Lincoln, and Winchester [3]. In Germany the Woolweavers' Gild of Cologne arose as early as the eleventh century [4]. And in like manner the oldest German charter [5] referring undoubtedly to a Craft-Gild [6] is that of a Cologne Weavers' Gild. In the year 1149 the *textores culcitrarum pulvinarium* (weavers of pillowcases) formed a fraternity with the consent of the judges, sheriffs, and aldermen; and thenceforth all who wished to carry on the trade within the town were obliged to join the fraternity and to submit to its rules. The record proves that a union of these handicraftsmen had existed long before the year 1149, and

[1] Arnold, vol. ii. p. 208, and Moke, vol. ii. passim.
[2] Delpit, vol. i. p. lxxxiii.
[3] Wilda, p. 314.
[4] Arnold, vol. i. p. 254.
[5] Lacomblet, vol. i. p. 251. See below (p. cxix, note 1).
[6] The record of the appointment of twenty-three men as fishers at Worms by Bishop Adalbert *circa annum* 1106 (Schannat in *Cod. Probat. Hist. Wormat.* Num. ii. p. 62), seems to speak rather of the creation of one of those companies among bond-handicraftsmen, mentioned in the text, than of a free Craft-Gild. It is utterly unlike the manner in which all other Craft-Gilds have been chartered.

that it was merely confirmed in the said year. At Spire the Gild of the Wool-weavers existed at the beginning of the twelfth century. At Mayence the Weavers are mentioned as early as 1099; at Worms in 1114. At Frankfort-on-Main also, wool-weaving ranked first among the crafts[1]. It was, however, in the first manufacturing country of the Middle Ages, in Flanders and Brabant, that the influence of the Wool-weavers' Gild was the most prominent: it appears there as almost the sole leader in all the revolutions of the handicraft class. And when we consider the early flourishing state of the Belgian woollen manufactures—for as early as the first century the clothes of coarse wool woven in Belgium found a greedy market in Rome[2]; also, that the necessity of defending their coasts against the inroads of the sea and of pirates[3] always kept most keenly alive in the minds of the people the fundamental idea of all Gilds, the brotherly solidarity and community of interests; lastly, the bold spirit of independence which led even serfs here to confederate into Gilds[4],—we may infer that here, among these extremely industrious and stubborn weavers of Flanders and Brabant, did the first Craft-Gild originate.

Although the Craft-Gilds arose first among the most eminent of the handicraft class, among those who were free,—just as in earlier times the most ancient Gilds originated among the old freemen, and later on the Trade-Unions among the best situated working men and ci-devant small masters,—to stop the deterioration of their condition and encroachments on their rights and interests, yet this new organization was also soon made use of by the lower members of their class as a means of elevation. With the liberation of the bond handicraftsmen from bondage proper, many of the companies into which they had been ranged passed gradually over into the number of free Craft-Gilds. The latter appear, therefore, everywhere in greater number about the time when the last traces of bondage disappear. Craft-Gilds of this kind, when obtaining their privileges, were frequently put under obligation to pay certain fixed imposts in return for their greater independence in labour and trade, and for the remission of the fines on inheriting property[5], to which their

[1] Arnold, vol. i. p. 254, &c. [2] Moke, vol. i. p. 58. [3] Ibid. p. 51.

[4] See Part I. of this Essay, pp. lxxvi, lxxviii, lxxix.

[5] I find in the *Vita Gebehardi Episcopi Constantiensis* (Pertz, *Scriptores*, vol. x. p. 588, lines 32–59: "Post hæc convocatis servis suis elegit ex eis optimos quosque, et constituit ex eis coquos et pistores, caupones et fullones, sutores et hortulanos, carpentarios et singularum artium magistros, et constituit eis, ut eo die, quo fratribus deservirent, de annona quoque fratrum in patre reficerentur, quia dignus est operarius cibo suo. Ut autem bono animo suis ministrarent dominis, huiusmodi donario ipsos cumulavit, scilicet ut cum quis præsentium vel

episcopal or lay lords were entitled, as well as for other matters. And in proportion to the degree of independence which they obtained according to circumstances, these imposts were greater or smaller. Such, for instance, was the case at Bâle, Constance, &c. Everywhere, however, these societies were changed after the model of the Gilds of those farther advanced craftsmen which have been spoken of. The latter impregnated them with an altogether different spirit and a new life. A similar process may have taken place, in certain cases[1], in fraternities originally religious, which, after the origin of Craft-Gilds, framed trade regulations after the latter's example, and—as in later times certain friendly societies changed into Trade-Unions—so gradually transformed themselves into Craft-Gilds. The time of the origin of Craft-Gilds in general may be said to extend from the beginning of the eleventh to the middle of the thirteenth century[2]. The origin of certain Craft-Gilds depended of course on the gradual rise of the various trades in a town.

The organization of the free craftsmen into Gilds, we thus see, was called forth by their want of protection against the abuse of power on the part of the lords of the town, who tried to reduce the free to the dependence of the unfree, and, by imposts and otherwise, to encroach on the freemen's earnings. Being organized, the Craft-Gildmen provided for the maintenance of the customs of their Craft, framed further ordinances for its regulation, saw these ordinances properly executed, and punished the Gild-brothers who infringed them. The maintenance of their independence against the city authorities, and the possibility of carrying out and making efficient their trade-rules, depended, however, on the condition that all who carried on the trade should belong to the Gild. And though the first Gilds, at their formation, included doubtless all men of the trade, yet in course of time some one or more craftsmen must have turned up, who, unwilling to submit to the rules framed for insuring good work and for protecting the interests of the trade, would carry on his trade without belonging to the Gild. It was impossible either to check this, and prevent detriment arising from it, or to enforce their

eorum successorum, qui de progenie illorum esset, moreretur, exuviæ de eo non sumerentur, sed hæredes relictam hæreditatem indivisam possiderent; si vero de alia progenie aliquis accessisset, ab hoc donativo alienus exstitisset." For the bond-handicraftsmen in towns and their societies, see Additional Notes, No. 3.

[1] Perhaps the many religious regulations, and the many relations to the cathedral, of some of the Gilds at Bâle (compare, for instance, Berlepsch, vol. ii. pp. 18, 19), as well as of the Fullers at Lincoln (compare Mr. T. Smith's collection, p. 179), refer to such a process, though it seems rather doubtful to me. But see also Mr. Ludlow in the *Fortnightly Review*, October, 1869, p. 393.

[2] Compare Arnold, l. c.

regulation of the trade in a legitimate manner, unless the Gild had been previously acknowledged by the lord of the town or the body of citizens. And thus, though the Craft-Gilds as voluntary societies did not need confirmation by the authorities at their birth, yet this confirmation became afterwards of the greatest importance when these Gilds wanted to be recognized as special and independent associations, which were thenceforth to regulate the trade instead of the authorities of the town. This once obtained, all further protective measures would follow as a matter of course.

This transfer of all trade concerns to the management and jurisdiction of the Craft-Gild was generally accomplished by a confirmation of their ordinance, that every one carrying on the trade within the town or a certain district, should join and belong to the Gild[1]. And in return for this privilege the Gild was yearly to pay certain taxes[2]. In London these taxes went to the king. Thus, under Henry I. (A.D. 1100–33) and every succeeding king, the London Weavers paid to the crown a rent or ferme for their Gild; and Madox[3] enumerates eighteen Gilds which, under Henry II. (A.D. 1154–89), were amerced as adulterine, for neglecting to pay this tax. But as, in consequence of these privileges of the Craft-Gilds, the citizens no longer enjoyed undivided sway in the towns, they showed themselves everywhere extremely jealous of the jurisdiction which had thus sprung up in their midst, to their own detriment. They therefore opposed with all their might the establishment of Craft-Gilds; and the whole history of these Gilds, till they obtained the mastery in the fourteenth and fifteenth centuries, appears as nothing else than one continual struggle of the handicraftsmen with the town for these privileges. The Norman kings however, equally ready to make the most of both these clashing interests

[1] Lacomblet, vol. i. p. 251. Record of the confirmation of the Gild of the *textores culcitrarum pulvinarium* at Cologne in 1149: "fraternitatem .... confirmatam suscepisse, hac videlicet ratione, ut omnes textorici operis cultores (scilicet culcitrarum pulvinarium), qui infra urbis ambitum continentur, sive indigene sive alienigene huic fraternitati *quo jure a supra memoratis fratribus constat disposita* sponte subiciantur. Ei vero aliqua enormitate obviantes et subire non coacti nolentes, judiciaria severitate refrenati, cum rerum suarum detrimento, subire et obsecundari tandem compellantur." For the London Weavers see note 1, p. cxx. In the charter of the Oxford Weavers in Madox's *History of the Exch.* vol. i. p. 339, we read: "nemo operaretur de ministerio eorum infra quinque leucatas circa Burgum Oxoniæ." See also below, p. cxxi, note 7, the charter of the Magdeburg Shoemakers. That this ordinance merely enforced a custom which already existed in the craft before the confirmation, may be seen there in the passage beginning, "Cum enim jus et distinctio, que inter eos est," etc.; as well as in the passage in Italics in this note.

[2] Compare also, below, the charter of the Magdeburg Shoemakers, p. cxxi, note 7.

[3] *History of the Exch.* vol. i. pp. 390, 391.

for the benefit of their exchequer, seem to have put up to auction the confirmation and the suppression of these Gilds.

The contest of the Weavers with the City of London furnishes us with a very striking example of this struggle between the rising Craft-Gilds and the body of the old citizens. The Weavers had obtained from Henry I. the privilege that "nobody, except by them (i. e. by becoming a member of their Gild), shall introduce himself, within the City, into their mystery, and nobody within Southwark or other places belonging to London, except he be a member of their Gild [1];" and these privileges were confirmed to them by Henry II. Exemption from the jurisdiction of the City excited the jealousy of the citizens to such a degree, that the Weavers' Gild had to maintain the most violent struggles with them for its privileges and property. King John had to promise the citizens, in answer to their prayer, "that the Gild of Weavers shall not from henceforth be in the City of London, neither shall be at all maintained;" but as the Gild had been accustomed to pay the king eighteen marks per annum, the citizens "should pay twenty marks in money for a gift" instead. It appears, however, that this suppression of the Craft-Gilds was as ineffective here as in the like case in Belgium and Germany; for as early as the sixth year of Henry III. (A.D. 1221–22) we find the Weavers and the City again at strife; and "the Weavers of London," as Madox relates, "fearing lest the mayor and citizens of London should extort from them their charter and liberties granted to them by King Henry II., delivered that charter into the Exchequer, to be kept in the treasury there, and to be delivered to them again when they should want it, and afterwards to be laid up in the treasury." Even in the fourteenth year of Edward II. (A.D. 1320–1) the privileges of the Weavers remained still a point of contention between them and the town; but in this case it was before a court of justice. On occasion, as it appears, of a complaint for transgression and abuse of their privileges, the Weavers had to prove their right to have a Gild, as well as the legality of every single ordinance framed by them for the regulation of their trade. Their privileges could not, however, be impugned as a whole, but several regulations were pointed out which had crept in after the grant of their charter [2]. Among the documents contained in Mr. Toulmin Smith's collection, those referring to the Tailors' Gild at Exeter

[1] Madox, *Firma Burgi*, p. 286: "nullus nisi per illos se intromittat infra civitatem de eorum ministerio et nisi sit in eorum Gilda neque in Sudworc neque in aliis locis Londoniæ pertinentibus." The words "ministerium" or "officium" were used in medieval Latin for mystery, trade, craft-gild.

[2] Compare Madox, *Firma Burgi*, p. 192, &c.; Herbert, vol. i. pp. 17, 24.

show even in the fifteenth century the existence of the same struggle between this Gild and the authorities of the town[1]. Sometimes, as in the case of the Bakers' Gild at Bâle, these conflicts, which the new organization of the handicraftsmen called forth between their wardens and the police authorities of the towns, were the chief cause of fixing the rights of the Craft-Gild in a charter[2].

To the complete independence of the Craft-Gilds, it was indispensable that they should have the right of freely electing a warden for regulating their trade and for managing the Gild. In England this freedom was never restricted; at least, I know nothing to the contrary from the accounts of English Craft-Gilds[3]. But on the Continent the right of appointing the warden of a Craft-Gild varied according to the nature of the origin of the Gild, or the degree of independence which the particular handicraft enjoyed at the time when its Gild was recognized. Thus the Craft-Gilds which the free handicraftsmen formed amongst themselves possessed, of old, absolute independence in the election of their warden, as, for instance, the Weavers' Gild at Cologne[4], and the Craft-Gilds in Flanders[5]. At Bâle, on the contrary, where the Craft-Gilds sprang from the companies of bondmen above-mentioned (p. cxiv), the bishop appointed the warden, according to the oldest charters, and in the probably less important trades (*Spinnwettern* and Butchers, 1248); whilst in 1260 the Tailors (who were at the same time cloth-merchants) elected their own warden[6]. In 1157 Archbishop Wichmann of Magdeburg had, from truly generous motives, granted to the Shoemakers the right of free election of their warden. This instance was, however, probably as unique, as the disposition was rare[7]. In Paris, the provost in the thirteenth century appointed

[1] Mr. Toulmin Smith's collection, pp. 299–316. [2] Compare Wilda, p. 310.

[3] The governor, however, of the fraternity of the Porters in London, constituted in 1646, is always an alderman, whose appointment is vested in the Court of Aldermen. (Allen's *History and Antiquities of London*, vol. ii. p. 412.)

[4] Lacomblet, vol. ii. p. 250. Award of arbitration between the archbishop and the town of Cologne, &c., 1258: "Quod ab antiquo consuetudine fraternitates eligunt sibi quosdam, qui magistri fraternitatum dicuntur, per quos insolentes fraternitatum compescuntur," &c. [5] Moke, vol. ii. p. 95.

[6] Berlepsch, *Chronik der Gewerke*, St. Gall (no date), vol. ix. p. 19, vol. v. p. 18, vol. ii. p. 18.

[7] The charter runs thus: "In omnibus actibus nostris, in quibus aliquid de honore et utilitate Magdeburgensis ecclesie agere studuimus, libertatem matrem actionis nostre esse volumus, ut, cum honor et utilitas in disputatione nostra accurrerit, libertas suprema semper existeret, quia honor et utilitas sine libertate vilis servitus estimatur. Notum itaque esse volumus universis tam futuris quam presentibus, quod officia civitatis nostre magna sive parva, quodlibet in suo honore secundum jus suum integrum esse volentes, jus et magisterium sutorum ita consistere volumus, ut nullus magistratum super eos habeat, nisi quem ipsi ex communi consensu magistrum sibi eligerint. Cum enim jus et distinctio, que inter

and deposed, as he pleased, the wardens of the *Cordiers* (rope-makers), and the *Poulaillers* (poulterers); but the *Étuvistes* (bath-keepers) elected freely and independently three *preud'hommes* for regulating their trade [1]. Free election then became the rule in all trades, till Charles IV. of France (1321–1328) deprived the Parisian craftsmen of the right of freely electing their wardens [2]. Charles VI. in the year 1408, whilst confirming the statutes of a Craft-Gild, actually appointed one of his valets to the wardenship [3]. In other countries, even in the thirteenth century, it became the rule for Craft-Gilds to elect their wardens themselves; and it was only during the contests between the crafts and the hereditary ruling families in the German and Belgian towns that the craftsmen had to acquiesce in the appointment of their wardens by the patricians. But this of course changed at once with the triumph of the handicraftsmen.

This triumph, as has been shown in Part III., was won everywhere in the fourteenth and fifteenth centuries, though sooner or later, according to circumstances. In London the Craft-Gilds appear in full possession of the mastery in the reign of Edward III. The privileges which they had till then exercised only on sufferance, or on payment of their fermes, were now for the first time generally confirmed to them by charter by Edward III.; the authorities of the City of London, who had in former times contended with all their might against the Craft-Gilds, now approved of their statutes; and in the fourteenth century a large majority of the trades appeared before the mayor and aldermen to get their ordinances enrolled. At the same time they adopted a particular livery, and were hence called Livery Companies. Edward III. himself actually became a member of one of them, that of the Linen-armourers, and his example found numerous imitators amongst his successors and the nobility of the kingdom [4].

eos est, eos, qui eo jure participare non debent, ita excludat, quod opus operatum alienigene infra jus communis fori vendere non debeant, constituimus, ne alienigene opus suum operatum ad forum non deferant, nisi cum omnium eorum voluntate, qui jure illo quod Inninge appellatur, participes existunt. Itaque ad recognoscendum se annuatim Magdeburgensi archiepiscopo duo talenta solvent, que magister eorum presentabit, prout archiepiscopus mandavit," &c. (Berlepsch, vol. v. p. 30.)

[1] Ouin-Lacroix, *Histoire des Anciennes Corporations d'Arts et Métiers, &c. de la Capitale de la Normandie*, Rouen, 1850; *Statuts des Cordiers de Paris*, art. 10, (p. 738); *Statuts des Poulaillers de Paris*, Art. 11 (p. 747); *Statuts des Étuvistes de Paris*, art. 5 (p. 739). [2] Wilda, p. 324.

[3] Ouin-Lacroix, p. 734—*Statuts des Barbiers de Tours en* 1408, art. 1: "Notre premier barbier et varlet de chambre est et sera garde du dict mestier, auquel tous devront obéir."

[4] Compare Herbert, vol. i. pp. 28, 29; Delpit, p. lxxx., and the numerous ratifications of ordinances by the City authorities from 1344—1418 in Riley's *Memorials*.

Though political power, as has been already stated, did not continue everywhere in the hands of the handicraftsmen, they yet retained everywhere the independent government and jurisdiction over their trade; and everywhere the fundamental principle of their trade-policy prevailed, namely, the protection to live freely and independently on an industry based on small capital and labour. This was shown in England by the Act 37 Edward III. c. 5 (A. D. 1363). In the nineteenth year of Edward III. (A. D. 1345), a part of the Pepperers had separated themselves from their old Gild and had formed a society of their own. The account[1] of what took place at the formation of this society,—how "twenty-two persons, carrying on the business of Pepperers, agree to meet together at a dinner" (for defraying the expense of which each had to pay twelve pence), "and commit the particulars of their formation into a trading society to writing," and then immediately after the meal elect their warden, and decide on their periodical contributions,—shows great similarity with the proceedings at the formation of modern working-men's associations; as, for instance, those of the Bookbinders' Trade Society, according to Dunning's excellent account[2]. But these twenty-two Pepperers—altogether unlike their Bookbinder imitators—were the richest of their trade[3], and had probably belonged formerly to the old-citizen class, and had, like all citizens under Edward II., been obliged to join a Trade-Gild. Well, these seceding Pepperers now formed themselves into a separate society, exercised still *de facto* the freedom of trade which had formerly belonged to them as full citizens, and thus threatened to crush, by their riches, the numerous other Trade-Gilds. At least a petition brought against them in the 36th Edward III. complains "that great mischiefs had newly arisen, as well to the king as to the great men and commons, from the merchants called Grocers (grossers), who engrossed all manner of merchandize vendible, and who suddenly raised the prices of such merchandize within the realm; putting to sale by covin, and by ordinances made amongst themselves, in their own society, which they call 'the Fraternity and Gild of Merchants,' such merchandizes as were most dear, and keeping in stores the others until times of dearth and scarcity." In consequence of this, the Act 37th Edward III. c. 5 decreed "that all artificers and people of mysteries shall each choose his own

[1] See the detailed account of the proceedings in Herbert, vol. i. pp. 43–45, also pp. 304–308.

[2] *Trades' Societies and Strikes. Report of the Committee on Trades' Societies appointed by the Social Science Association*, p. 93, &c. London, 1860.

[3] Compare Herbert, vol. i. pp. 304–308.

mystery before the next Candlemass; and that having so chosen it, he shall henceforth use no other[1]." This was a legal recognition of the principle of the trade-policy of the craftsmen, namely, that provision should be made to enable every one, with a small capital and his labour, to earn his daily bread in his trade freely and independently, in opposition to the principle of the rich, "freedom of trade." In like manner this principle became prevalent in all the Craft-Gilds on the Continent, and we find it formulated with special clearness in the Emperor Sigismund's extremely original "Secular Reformation" of 1434[2].

This period of development of the Craft-Gilds was followed by a further extension of them in the beginning of the fourteenth century, and soon afterwards by their degeneration. But before I enter upon this question, and upon the abuses which undisputed possession of their privileges and the full sway in all trade matters produced in them, I wish to speak more fully of the constitution of the Craft-Gilds during the first stage of their growth[3]. This constitution was but the perfect expression of the wants which called forth the Craft-Gilds, and of the task which they had to perform. Their fundamental principle was the same as that of the Frith-Gilds, that is, of those artificial unions which sprang up to replace the natural family compact, and to secure the protection which the latter afforded to their members in former times (see Part I.). The Craft-Gilds themselves first sprang up amongst the free craftsmen, when they were excluded from the fraternities which had taken the place of the family unions, and later among the bondmen, when they ceased to belong to the *familia* of their lord. Like those Frith-Gilds, the object of the early Craft-Gilds was to create relations as if among brothers; and above all things, to grant to their members that assistance which the member of a family

[1] Herbert, vol. i. pp. 29, 30.

[2] Goldasti, *Constitutiones Imperiales*, tom. iv. p. 189, Francof. 1713. After much complaining "that one person carries on more trades than belong to him," it is said in cap. v., "Will you hear however what is ordained by Imperial law? Our forefathers have not been fools. The crafts have been devised for this purpose, that everybody by them should earn his daily bread, and nobody shall interfere with the craft of another. By this the world gets rid of its misery, and every one may find his livelihood. If there be one who is a wineman, he shall have to do with this (i. e. the wine trade), and shall not practise another thing besides. Is he a bread-baker, the same, &c., no craft excepted. And it is to be prevented on Imperial command, and to be fined with forty marks of gold, where it is heard that the Imperial towns do not attend to this, that nobody of any trade whatever shall interfere with the craft of another," &c. Compare also cap. viii.

[3] For the sake of completeness, and to avoid repetitions, I have sometimes also availed myself in the following statements of Gild-Statutes of the fourteenth century, except as to such points of course in which the degeneration had already begun in the fourteenth century.

might expect from that family. As men's wants had become different, this assistance no longer concerned the protection of life, limbs, and property, for this was provided for by the Frith-Gilds, now recognized as the legitimate authority; but the principal object of the Craft-Gilds was to secure their members in the independent, unimpaired, and regular earning of their daily bread by means of their craft. When then the Craft-Gilds, like the earlier Gilds for the maintenance of justice (Part I. pp. lxxiv, lxxv), were legally recognized, and were brought into the State organism as special associations for the regulation of their trade, a new fundamental element, namely, their quality as a police authority, was added to the element common to all Gilds.

Both these elements are to be found in the Craft-Gilds of all countries; indeed, in all they attained a development so similar, even in details, that whosoever knows the Gild-Statutes of one country, knows those of all. Only in certain concrete regulations do we find deviations which I will point out in the course of this treatise[1].

The very soul of the Craft-Gild was its meetings, which brought all the Gild-brothers together every week or quarter. These meetings were always held with certain ceremonies, for the sake of greater solemnity. The box, having several locks like that of the Trade-Unions, and containing the charters of the Gild, the statutes, the money, and other valuable articles, was opened on such occasions, and all present had to uncover their heads. These meetings possessed all the rights which they themselves had not chosen to delegate. They elected the Presidents (originally called Aldermen, afterwards Masters and Wardens) and other officials, except in those cases already mentioned, in which the master was appointed by the king, the bishop, or the authorities of the town. As a rule, the Gilds were free to choose their masters, either from their own members, or from men of higher rank, though they were sometimes limited in their choice to the former[2]. Did the election fall on a member who would not accept it, he was subjected to fines. Of a council,

[1] In order not to have to cite repeatedly the same sources for every individual statement, I refer here in general to Herbert, vol. i. pp. 40–102; also to the Ordinances in Riley's *Memorials*, and to Mr. Toulmin Smith's collection, especially to pp. 179, 182, 184, 208, 284, 312, 331, 334. Further, to the Gild-Statutes contained in Berlepsch, vols. ii–ix, and to the rich collection of Ouin-Lacroix; also to Ortloff, *Das Recht der Handwerker*, Erlangen, 1818, to Schönberg's article in Hildebrand's *Jahrbücher für Nationalökonomie und Statistik*, vol. ix. pp. i. &c., 97 &c., as well as to Hunter's *History of Sheffield*, p. 119, London, 1819.

[2] There was a contest on that account at Cologne in the year 1258 between the Archbishop and the Craft-Gilds. Lacomblet, vol. ii. p. 247; compare also Wilda, p. 324. See also Mr. T. Smith's collection, p. 305.

which (like that of the Court of Assistants of later times) stood by the side of the masters, we find in early days at most but a trace, in the quorum of members which had to co-operate with the master on various occasions, as, for instance, in the exercise of jurisdiction. In Germany we find something similar in the council of six or eight men of some Gilds at Bâle and Vienna[1] earlier than in England, where we first notice in 1397, in the records of the Grocers, that six persons of that company were chosen to aid the wardens in the discharge of their duties. These cases excepted, assistants are first met with in the sixteenth century. We also find in the Grocers, as early as 1348, four auditors "to superintend the accounts and delivery of the wardens."

The wardens summoned and presided at the meetings, with their consent enacted ordinances for the regulation of the trade, saw these ordinances properly executed, and watched over the maintenance of the customs of the craft. They had the right to examine all manufactures, and a right of search for all unlawful tools and products. They formed, with the assistance of a quorum of Gild-brothers, the highest authority in all the concerns of the Gild. No Gild-member could be arraigned about trade-matters before any other judge. We have still numerous documentary proofs[2] of the severity and justice with which the wardens exercised their juridical duties. Whenever they held a court, it was under special forms and solemnities: thus, for instance, in 1275 the chief warden of the Masons building Strasburg Cathedral held a court sitting under a canopy. The local trades of the towns continued under a certain amount of control by the town authorities even after the Craft-Gilds had obtained power. The elected wardens had to be brought every year before the mayor, and had to swear "faithfully to execute their offices." The mayor also decided disputes between the several Gilds, and could fine and imprison the wardens of companies at his pleasure. The control of the sale of the most necessary provisions, such as bread, meat, drink, and fuel, was the special care of the town authorities, in order to prevent adulteration and overcharges[3].

The punishments which the Craft-Gilds decreed consisted in the payment of fines, or, in earlier times, of certain quantities of wax, or of beer or wine to be drunk at their feasts. In case

[1] See the Gardeners of Bâle (Wilda, p. 325), the *Spinnwetter* at Bâle 1271 (Berlepsch, vol. ix. p. 20), the Tailors of Vienna 1340 (Berlepsch, vol. ii. p. 226).

[2] Compare, for instance, Mr. T. Smith's collection, p. 321; Herbert, vol. i. p. 47, &c.

[3] Mr. T. Smith's collection—The Office of the Mayor of Bristol, art. 14, 25, 26, 27, 28 (pp. 416, 420, &c.); Herbert, vol. i. p. 55, &c.; Arnold, vol. ii. p. 282, &c.; Ouin-Lacroix, p. 735; Wilda, p. 319; Riley, pp. 156–162, 174, &c.

of more serious offences, such as perjury, persistent disobedience, &c., exclusion from the Gild was the consequence; and this was accompanied with loss of the right to carry on the craft[1]. Princes, churches, and city authorities frequently received a share in the fines, as well as in the entrance-fees and contributions of the members. This was especially the case in France[2], where permission to carry on a trade had often to be purchased direct from the king. For enforcing payment of entrance-fees, contributions towards paying the fermes (dues), as well as of fines, the Craft-Gilds made use of the very means so much talked of in the case of the Sheffield Trade-Unions, namely, *rattening*, that is, they took away the tools of their debtors[3]. It is true that they, as their claims were legally recognized, could sell the tools and take what was due to them out of the proceeds, whilst the want of such recognition compelled the Trade-Unions to enforce payment of arrears by hiding and detaining the objects seized upon. This coercive measure existed unchanged even in the seventeenth century[4]; so that this rat-

[1] The *Constitutions of Masonry* published by Mr. Halliwell are very explicit as to the punishment of disobedient members. The 12th *Punctus* says that they shall be taken in charge by the lords, sheriff, mayor, and knights, &c. present (with the master and other masons) at the assembly where the ordinances are made; and the 15th *Punctus* says that if they will not make amends for their disobedience, they shall be turned out of the craft and not allowed to carry it on, and

"The scheref schal come hem sone to,
And putte here bodyes yn duppe prison,
For the trespasse that they hau y-don,
And take here goodes and here cattelle
Ynto the kynges hond, every delle,
And lete hem dwelle here ful stylle,
Tyl hyt be oure lege kynges wylle."
(l. 463-70.)—F. J. F.

[2] For instance, Ouin-Lacroix, p. 746—*Statuts des Poulaillers de Paris* (thirteenth century), art. 1: "Nus ne puet estre poulaillier à Paris, se il n'achate le mestier du roy, et le vent cil qu'il l'a achaté du roy, à l'un plus à l'autre mains, si comme il semble bon."

[3] Compare Herbert, vol. i. p. 18. "Why the working implements of such of the mystery as were in arrears for their fermes might be distrained by the bailiffs of the Gild, to the amount it was computed they owed, and such distresses sold to pay the same? . . . why on non-payment of a member's share of the king's ferme, his working tools to the amount should be sold, or detained in the custody of the bailiffs; and also that any member offending against the liberties of the Gild, should be adjudged in like manner to have his working implements seized and disposed of? . . . also if any withheld from another of the Gild his proper wages, and would not pay him, the Gild had power by their bailiffs to distrain. . . ."

[4] Compare Herbert, vol. i. pp. 191, 192. "If anie member, of his froward disposition or otherwise, refuse to pay quarterage, penalties, arrearages, or other amerciaments, the master and wardens, with their officers, shall have power at lawful times to enter such member's shop, and distrain the same." The same measures, seizure of tools and closing a member's shop, were also the means of coercion and punishment in the German Craft-Gilds, the so-called "*Handwerklegen*" (i. e. stopping of the craft of a member). Compare Pölitz und Bülau, *Neue Jahrbücher der Geschichte und Politik*, 1843, vol. i. p. 359, &c.

tening, which called forth such pharisaical indignation from the united employers' press, probably enjoys an uninterrupted descent from employers' associations up to the time of Edward II. But it is even far older. It is the old right of distraint of the creditor against the debtor, which occurs in the earliest laws of all German tribes, and was lawfully exercised in Germany up to the sixteenth century[1].

As the object of the association of craftsmen was the regulation of their trade, it was a necessary condition of the efficient working of their rules, that all who carried on the trade should belong to it. This was a matter of course, when they had been legally recognized as a special authority for lawful purposes. Hence it is altogether wrong to represent the constantly recurring ordinance, that every one carrying on the trade should join the Gild, as a consequence of the monopolistic tendencies of the Craft-Gilds. There was, on the contrary, no question whatever of a monopoly in that time. It was not then as it was at the time of the degeneration of the Craft-Gilds, when, as corporations with a limited number of members, they prohibited all non-members of the Gild from carrying on the trade. On the contrary, every person was at first permitted to carry on the trade, if only he joined and submitted himself to the organism created for the purpose of regulating it, that is, if he entered the Craft-Gild; and then, as a member entitled to vote, he exercised influence on its decisions. The yearly fermes (dues) too, which the craftsmen had to pay for their privileges, sufficiently explain their wish to draw into their society all the men of their trade, in order to secure increased contributions; and when Edward III. granted a special Gild to the Flemish Weavers, the indignation of the London Weavers may be easily understood, as well as their effort to make the Flemish men participate in the payment of their fermes[2].

The income of the Craft-Gilds consisted of small entrance-fees, of wax for the churches, and of taxes which were levied for special purposes as they occurred; for instance, on the death, impoverishment, pilgrimage, &c. of a member. Regular periodical contributions are only met with at a later stage.

The rules laid down by the Gilds, and to which all men of the trade had to submit, had reference (1) partly to securing the good quality of the work, and (2) partly, like all Gild-Statutes, to the temporal and eternal welfare of their members. Both kinds of

[1] See Walter's *Deutsche Rechtsgeschichte*, Bonn, 1853, § 538, and Bluntschli's *Deutsches Privatrecht*, § 102, No. 3.

[2] Compare Herbert, vol. i. p. 20, note; Madox, *Firma Burgi*, pp. 194, 195.

rules were consequences of the fundamental principle of all Gilds, namely, care for the common interest by means of association. In the first kind, however, the function of the Gild, as a police authority on behalf of the public, possibly prevailed. But even in them the idea was present that by these measures they protected themselves against loss of the honour and good repute of the trade, as well as against loss of custom. The latter motive may be especially attributed to those craftsmen who, like the Weavers, worked for a more extensive market.

Wherever the Craft-Gilds were legally acknowledged, we find foremost, that the right to exercise their craft, and sell their manufactures, depended upon the freedom of their city, a fact which is sufficiently explained by the political tendencies of the Craft-Gilds. It is an exception when we find, as in the case of the Fullers of Lincoln, that strangers also were admitted on payment of special taxes to the Gild. On the Continent, after the fourteenth century, a system of reciprocity was frequently established between the several towns, as for instance in 1365 at Tournay [1].

No one was admitted to any trade, even to the lowest, or tolerated in it, whose moral conduct and honour were not stainless; no one, also, who had not proved himself a proper workman; and, therefore, no one who had not served a regular apprenticeship. The duration of this apprenticeship differed in various trades. In England it generally lasted seven years, in France from three to four, sometimes six; in Germany from two to four years. The admission of an apprentice was an act of special solemnity, corresponding to the important legal consequences it involved. As it was the beginning of a kind of novitiate to citizenship, it generally took place in the Town-hall, in the presence of the town authorities (in London, even in the present day [2], it is performed in the Guildhall by the Chamberlain of the City), or in solemn meeting of the Craft-Gild. On this occasion the apprentice was specially instructed in his duties, both as to his moral conduct and the trade. At last, a record of the act—the indenture—was drawn up, which also contained the special conditions under which the apprentice was placed with his master. By this admission the apprentice became a member of the family of his master, who instructed him in his trade, and who, like a

[1] Ouin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en* 1365, art. vi.: "Ceux qui ne sont pas de Tournay ne pourront y exercer ce métier, que dans le cas ou les habitants de cette ville pourront exercer le même métier, dans celles d'où ces étrangers sont originaires."

[2] Compare Arundell's *Reminiscences of the City of London and its Livery Companies*, p. 162, London, 1869. For the instructions to apprentices from the sixteenth century, see Stow's *Survey of London*, Edit. 1720, p. 328. Compare too Moke, vol. i. p. 195, Berlepsch *passim*, for instance, vol. ix. p. 29.

father, had to watch over his morals, as well as his work, during his apprenticeship. At the expiration of his apprenticeship the lad (then a man) was received into the Gild again with special forms and solemnities, and became thereby a citizen of the town. On both occasions a fee had to be paid: in London it was 2*s.* 6*d.* on becoming an apprentice, and 3*s.* 4*d.* on becoming a member of the Gild.

After the care for skilful workmen, the next concern of the Gild was for the use of proper tools, and the application of well-adapted processes of manufacture. No member of the Gild was allowed to possess tools "unless the same were testified to be good and honest;" and the statutes contained directions and prohibitions, entering into the most minute details, with reference to the method of working. It was specially forbidden, in the strongest terms, to mix inferior materials with a better sort, to the detriment of the buyer, or to sell patched-up articles as new. Measures were also taken to protect the public against the spoiling of materials entrusted to the craftsmen for manufacture. Thus, the statutes of the Whittawers[1] directed the Gild-brothers to assist a member who did not know how to go on with his work, in order that it might not be spoiled. Such directions are specially frequent among the Masons[2], from whom customers received special guarantees for the proper completion of their work. We also find sanitary regulations with regard to the observance of cleanliness in carrying on the craft. Subject to these measures of supervision, all Gild associates were allowed to sell all articles of the trade within the town, and without any other control than that of the Gild.

Nominally, to insure the good quality of their wares, the Gild-Statutes always ordain that no one "shall work longer than from the beginning of the day until curfew," nor "at night by candle-light." But doubtless the real ground for this ordinance was rather regard for the well-being of the Gild-brothers; it was the wish to give them leisure for fulfilling their domestic and political duties, and to prevent the collective body from being forced to over-exertions by the competition of a few too zealous for gain, and from being thus deprived of every enjoyment of life. Similar considerations were also sometimes the cause of

[1] Riley's *Memorials*, p. 232. See also *English Gilds*, pp. 321 &c., 331.

[2] Riley's *Memorials*, pp. 280–282—Regulations for the trade of Masons. According to them, he "who wishes to undertake work in gross" has to bring forward four ancient men of his trade as security for the proper execution of the work; and they, in the event of his not fulfilling his duty, have to execute the work themselves. Compare also the Code of the Rochlitz Stonemasons of 1462, art. 3–7 (Berlepsch, vol. viii. p. 196).

long holidays; as for instance of the prohibition of the London Weavers[1] to work between Christmas and Purification-day (Feb. 2). The same considerations, supported by religious motives, caused the strict prohibition of work on Sundays and festivals, and "on Saturday or the eve of a double feast, after noon has been rung." This last ordinance, forbidding work on the last-mentioned afternoons, was common to all countries, and had its origin in a custom of the Roman-Catholic Church to solemnize the eve of festivals and Sundays by religious services[2]. Hence it was lost at the Reformation; and it was not till lately that English workmen were able to regain their lost holiday. There were also other measures arising from this general tendency to prevent a ruinous competition amongst Gild-brothers, as contrary to the spirit of brotherhood. Their ordinances were framed for the "better relief and comodytie of the porer sorte." No Gild-associate was to entice away a brother's customers nor a brother's servant. We frequently also meet with restrictions in the number of servants and apprentices which an individual member was allowed to have. And at an early period regulations as to prices, under the supervision of the town authorities, became common. The Gild-Statutes further forbad working for a customer who was still indebted to a brother. Any member becoming poor from "adventures on the sea, or the advanced price of merchandize, or by borrowing and pledging, or by any other misfortunes," might claim to be relieved in proportion to the fraternity's funds. Even in 1723 the bye-laws of the Gild of the Joiners and Carpenters of Worcester ordained, "that whereever any freeman buys any parcel of timber or boards coming to the city to be sold, and fit for the crafts, every freeman may have a share therein, not exceeding a third, at cost price, on request, and paying ready money, under penalty of 20*s.* for refusing to share[3]." As long as members of the Gild were out of

[1] Herbert, vol. i. p. 19. The acts and ordinances of the Company of Cutlers and makers of knives in Hallamshire prescribe in art. i. that no manufacturer, whether master, servant, or apprentice, shall perform "any work apperteyninge to the said scyence and mysterye of Cutlers" for twenty-eight days next ensuing the 8th day of August in each year, nor from Christmas to the 23rd of January; and in Art. iv., "No person occupying any wheel for the grinding of knives to allow of any work being done there during the holiday months. Penalty as before." (Hunter's *History of Sheffield*, p. 119.)

[2] See, on the Saturday half-holiday in England in A.D. 1303, Robert of Brunne's *Handlyng Synne*, ed. 1862. (Note by F. J. F.)

[3] *English Gilds*, p. 210. Mr. Ludlow (*The Fortnightly Review*, Oct. 1869, p. 405) very truly observes: "The spirit of this rule, as well as of that of the Berwick Gild as to sharing a load of herrings with one's neighbours, is exactly the same as that of the rules of the Amalgamated Society of Engineers, requiring members who take piecework to share equally any surplus made with all members working on the job."

work, no member was to work with non-members. On the other hand, a member was always allowed to employ his wife, children, and maid in work; for the whole household of a Gild-brother belonged to the Gild[1]. This led unfortunately in later times to many easings to the sons of Gild-brothers in learning the trade and acquiring the freedom of the Gild, as well as to the degeneration of the Gilds into family coteries. Another consequence of these laws was, that after the death of a Gild-brother, his widow could carry on his trade, and could remain a member of the Gild. Even if she married again a man of the same trade who was not free of the Gild, she generally[2] conferred on her second husband that freedom by marrying him. If, on the other hand, she married a man who did not belong to the same trade, she was excluded from the Gild during that wedlock. The same brotherly spirit gave rise also to laws forbidding insults and ill-usage among Gild-brothers; to the prohibition to appear before a court of justice for disputes about debts and other matters, unless every transaction had first been examined by the Gild-wardens, and every compromise proved impossible; and also to a series of other rules referring to their domestic conduct[3] among each other, and the prevention of unneighbourly tricks. The Gild-Statutes also, in conformity with the spirit of the times, often contain sumptuary laws for the members, and especially with reference to apprentices. As the Craft-Gilds did duty also as divisions of the military forces of the town, we find in their statutes many articles[4] referring to this matter; and

[1] This answers too the question of Mr. Toulmin Smith: "Why is he (a fuller of Lincoln) not to work at the bar in company with an ordinary woman, while he may do so with a master's wife or her handmaid?" (Note on p. 180 of his collection.) In Riley's *Memorials*, too, the rule is frequent, "that no one of the trade shall set any woman to work, other than his wedded wife and daughter" (for instance, pp. 216, 277, 547, &c.). Compare too Wilda, p. 329.

[2] The only exception known to me is art. vi. in the *Statuts des Poulaillers de Paris*: "The wife of a poulterer may carry on the said mystery after the death of her husband, quite as freely as if her sire was alive; and if she marries a man not of the mystery, and wishes to carry it on, she must buy the (right of carrying on the) mystery, in the above described manner; as she would be obliged to buy the mystery, if her husband was of the mystery, and had not yet bought it; for the husband is not in the dominion of the wife, but the wife is in the dominion of the husband" ("quar li homme n'est pas en la seignorie à la fame, mès la fame est en la seignorie à l'home").—Ouin-Lacroix, p. 747.

[3] For instance, "that no man of the fraternite take his neyghbor's house y^{t} is of the same fraternite, or enhaunce the rent against the wille of the foresaid neighbor." — Herbert, vol. i. p. 49; compare also Berlepsch, vol. v. p. 18, vol. ix. p. 21.

[4] Wilda, p. 340. The Statutes of the *Débiteurs de bois* of Gant declare: "Tout membre qui ne se rend pas en armes sous la bannière du métier, quand les bonnes gens de Gand se réunissent en équipage de guerre, forfaira le prix de plusieurs jours de travail pour chaque fois."—Moke, vol. i. p. 196. Compare also the Statutes of the "Spinnwetter" at Bâle, 1271, Berlepsch, vol. ix. p. 21.

brilliant were the victories which some of the Gilds gained under their trade banners[1]. Naturally enough, the Craft-Gilds were not deficient in that element essential to all Gilds, the common meal, which in later times was held in their sometimes magnificent hall[2].

The Gild, which, as we have shown, stood like a loving mother, providing and assisting, at the side of her sons in every circumstance of life, cared for her children even after death; and the ordinances as to this last act breathe the same spirit of equality among her sons on which all her regulations were founded, and which constituted her strength. In cases of insolvency at death, the funerals of poor members were to be equally respected with those of the rich.

Besides being brotherhoods for the care of the temporal welfare of their members, the Craft-Gilds were, like the rest of the Gilds, at the same time religious fraternities. In the account of the origin of the Company of Grocers[3] it is mentioned that, at the very first meeting, they fixed a stipend for the priest, who had to conduct their religious services, and to pray for their dead. In this respect the Craft-Gilds of all countries are alike; and in reading their statutes, one might fancy sometimes that the old craftsmen cared only for the well-being of their souls. All had particular saints for patrons, after whom the society was frequently called; and where it was possible, they chose one who had some relation to their trade[4]. They founded masses, altars, and painted windows in cathedrals; and even at the present day their coats of arms and their gifts range proudly by the side of those of kings and barons. Sometimes individual Craft-Gilds appear to have stood in special relations to a particular church[5], by virtue of which they had to perform special services, and received in return a special share in all the prayers of the clergy of that church. In later times the Craft-Gilds frequently went in solemn procession to their churches. We find innumerable

[1] For instance, the Journeymen-Bakers of Munich at Ampfing, 1322 (Berlepsch, vol. vi. p. 151), the Butchers of Liège at Steppes, 1213 (Moke, vol. ii. p. 66), the Furriers of Brussels at the siege of Malines, 1303 (Ibid. p. 124), above all, the Flemish Weavers at Courtrai, 1302 (Ibid. p. 146), &c. &c.

[2] We have an account of the Tailors' Hall in London existing already in the time of Edward III. (Herbert, vol. i. p. 87).

[3] Herbert, vol. i. pp. 43–45.

[4] For the names of the saints in certain trades, see Brand's *Popular Antiquities*, vol. i. p. 202, ed. 1841. (Note of F. J. F.)

[5] Compare the London Saddlers (Herbert, vol. i. p. 16); but their Gild was probably a purely religious one; see also the Fullers of Lincoln and their relation to the deanery of that city (Mr. T. Smith's collection, p. 179); and the Craft-Gilds at Bâle and their relation to the cathedral (Berlepsch, vol. ii. p. 18, vol. v. p. 18, vol. ix. p. 19).

ordinances also as to the support of the sick and poor; and to afford a settled asylum for distress, the London Companies early built dwellings near their halls. The chief care however of the Gildmen was always directed to the welfare of the souls of the dead. Every year a requiem was sung for all departed Gild-brothers, when they were all mentioned by name; and on the death of any member, special services were held for his soul, and distribution of alms was made to the poor, who in return had to offer up prayers for the dead, as is still the custom in Roman-Catholic countries [1].

Sometimes we find in one and the same place a single trade, or kindred trades, organized into several Craft-Gilds; as for instance in London, two Gilds of Tanners, one without Newgate and one without Cripplegate [2]; and the four Weaver Gilds at Cologne in the thirteenth century [3]; just as is still the case with the Trade-Unions. And like the amalgamations of Trade-Unions, which are always becoming more frequent in the present day, these different old Craft-Gilds frequently amalgamated in later times; as for instance the above-mentioned four Weaver Gilds at Cologne in 1396, and the Fullers and Shearmen of London in 1527 [4]. Like the Trade-Societies embracing all England, and even more, and like the early German Town-Confederations, these Gild-Unions in some trades were extended over whole countries. Thus we gather from the charter of the Tailors of Schweidnitz in 1361, that they formed a union of the tailoring trade in twenty-five Silesian towns [5]. And in the middle of the fourteenth century the various Cutlers' Gilds in Germany were united into four great fraternities, at Augsburg, Munich, Heidelberg, and Bâle, by whom all great differences, which could not be settled by the separate Gilds or their presidents, were legally decided [6]. But the most renowned of these confederations was that of the various building-lodges of Germany. It was brought about in 1452 by Dolzinger, chief-master at the building of Strasburg Cathedral; and in 1454 common statutes were discussed and passed at a general meeting at Ratisbon, and were revised and confirmed on several other lodge days. In accordance

[1] Thus, for instance, in the Statutes of the Fullers of Lincoln it is said (*English Gilds*, p. 180): "When any of the bretheren and sisteren dies, the rest shall give a halfpenny each to buy bread to be given to the poor, for the soul's sake of the dead." These alms, in order that the poor should pray for the dead, sprang from the same belief as the causing masses to be said for the souls of the departed, and there is therefore no room for Mr. Toulmin Smith's doubts and questions in his note on p. 181.

[2] Herbert, vol. i. p. 31.

[3] Arnold, vol. i. p. 254, &c.

[4] Herbert, vol. ii. p. 654.

[5] Berlepsch, vol. ii. p. 230.

[6] Berlepsch, vol. vii. p. 123.

with these statutes, four central lodges were created, Strasburg, Cologne, Vienna, and Zurich, each with a separate district. Strasburg, however, had the precedence. The overseer of the cathedral works was Grand-Master of the Stonemasons' fraternity, and according to its code, confirmed by the Emperor Matthias in 1613, he was even then still considered as "chief judge of stone-work." Even in the eighteenth century the Masters of the Stonemasons' lodge at Strasburg demanded a goldfinch from the lodge at Rochlitz as a token of its dependence[1]. And as late as 1789, the Vienna lodge administered justice throughout the whole of its district, awarded punishment, and so forth. This union of the workmen in the building trades was followed by others amongst kindred or technically-identical crafts, especially amongst those which, on account of the trifling demand for their wares, could not exist in small towns at all, and only in limited numbers in large towns, as for instance the Locksmiths and Sword-cutlers[2]. The central societies were in the capitals, the branches in the small towns. Three masters in any one of the confederated towns formed a corporation, whose acts, if they were in conformity with the acts and statutes of the central society, were legally recognized by the other confederated societies. As the branch societies were subordinated to the central one, they were always obliged to send a couple of deputies to the meetings which took place at the abode of the central society; and to give there the accounts of their branches. At these meetings the common good of the Gild was discussed; and all concerns which could not be regulated by the branches were settled. Sometimes even the branches and central societies divided their money proportionately amongst themselves. The central societies of several crafts were at Nürnberg; and masters from all parts of Germany—and even from Courland and Livonia—there purchased freedom and master's credentials, and got their apprentices enrolled; as, for instance, the Combmakers, File-cutters, Brushmakers, Coppersmiths, &c.[3] I would not enter into all these details, were it not for their great similarity to the circumstances of some Trade-Unions of the present day, for instance, the Amalgamated Engineers.

Though in the preceding paragraph I have spoken partly of very late times, yet one relation, namely, that between workmen and masters *before* the degeneration of the Craft-Gilds, has not yet been touched on at all. The facts recorded concerning it, before the

[1] Berlepsch, vol. viii. pp. 186, 187.
[2] Pölitz and Bülau, 1842, vol. ii. pp. 341–343.
[3] Ortloff, *Recht der Handwerker*, pp. 82, 83.

middle of the fourteenth century, are extremely meagre. They consist entirely of prohibitions against engaging the servant of another before the expiration of his servitude, or so long as his former master had a claim on him; of regulations as to the number of servants allowed to a master; of punishments incurred by masters who kept back their servants' wages; and lastly, of the ordinance that all disputes between masters and servants should be decided by the wardens of the Gild. Servants' wages also were probably at that time fixed by the wardens. This slight notice of servants in the accounts of the early Craft-Gilds may however be sufficiently explained by the character of handicrafts in that age. They were for the most part merely local trades, and were mostly, if not entirely, carried on by natives of the towns, as many Gild-Statutes expressly declare. A great influx of labour, and an overstocking of the trade with hands, were therefore impossible. Moreover, the Gilds were not yet close corporations, and in the then state of handicraft a large capital to carry it on as a master was not required. And if we consider, finally, that from the frequently recurring restriction of a master to only one servant [1], a very insignificant number of them must be inferred, and that many Gild-Statutes do not even mention servants at all, but only apprentices, it appears very probable that the majority of apprentices would, as soon as their apprenticeship had expired, practise their handicraft on their own account, and that only a few would work as servants, and these merely for a time. Of a real working-class, with separate interests and ideas, there was therefore at that time no question at all. We meet with an exception to this rule only in the cloth manufactures of the Belgian towns, which were carried on on a larger scale and for an extended market. Here servants took part, as delegates of their class, even in the supervision of labour [2], gave their consent to the ordinances for regulating the trade, and received their pay in a definite proportion to that of their masters. In some places, as at Bruges, the servants received a real share in their masters' profits [3]. Even where the supervision of woollen

[1] For instance, *Statuts des Chandeliers de Rouen, rédigés en* 1360, Ouin-Lacroix, p. 589.

[2] Moke, vol. ii. p. 108: "A Ypres, nous voyons les valets admis à partager la surveillance du travail. Ce dernier règlement, qui date de 1280, divise ainsi les inspecteurs: il y aura dans la ville d'Ypres deux voies (c'est-à-dire deux inspections), l'inspection du nord et l'inspection du sud. Dans chacune six maîtres et trois valets."

[3] Moke, vol. ii. p. 99, says, speaking of the "Anciennes Ordonnances d'Ypres" of 1280: "Voici dans quelles proportions s'y trouvent calculés les salaires du maître et du valet dans le métier des tondeurs:—

manufactures was entirely in the hands of patricians, no regulations were framed without the servants having been previously heard [1].

Such harmonious relations, however, cannot be inferred from the accounts we have after the middle of the fourteenth century; and this, it appears to me, was in consequence of the degeneration of the Craft-Gilds, which in certain places and in certain trades commenced with the fourteenth century. We must not forget that these Gilds were not unions of labourers in the present sense of the word, but of persons who, with the help of some stock, carried on their craft on their own account. The Gild contests were, consequently, not contests for acquiring political equality for labour and property, but for the recognition of political equality of trade-stock and real property in the towns. These contests, therefore, nowhere led to a participation of the masses in the government; but in the place of an oligarchy of landed proprietors, an oligarchy of capitalists stept in [2]. If originally the capital required for carrying on a craft was but insignificant, and was possessed by the majority of the lower classes of the townsmen, so that the possession of small capital did not characterize the Gild in a higher degree than labour, yet this state of things was changed with the advance and flourishing of trade, and the increase of riches amongst craftsmen. But in proportion as a trade advanced and acquired wider markets, it afforded greater opportunities for the employment of capital; and in the same proportion the Craft-Gild changed from a society for the protection of labour, into an opportunity for the investment of capital. But at the same time this rise in the money-power of the Gilds—and especially of the cloth manufactures—drew the villeins in masses into the towns and into the trades [3]. Concern for the productiveness of their investments aroused the spirit of monopoly in the craftsmen, and called forth a mul-

Le Maître.	Le Valet.
12	8
10	8
6	5
26	22
54	43

Les règlements du métier des Tisserands à Bruges (p. 14) ordonnent que de cinq deniers le maître en ait trois, le valet deux (or le maître fournissait le métier et le local).

"Plusieurs ordonnances règlementaires portent pour clause, 'du consentement des maîtres et des valets.'"

[1] Thus at Brussels, see Moke, vol. ii. p. 108.

[2] Arnold, vol. ii. p. 292, &c.

[3] Compare Eden, *State of the Poor*, vol. i. pp. 30, 43, 57, 61.

titude of restrictions on the competition of the new aspiring families. The entrance-fees were raised; and on the Continent arose the custom of requiring a costly masterpiece from every outsider who wanted leave to carry on a craft on his own account, whilst entrance was made easy to the sons and sons-in-law of members, as well as to those who married a widow belonging to a Gild[1]. At Bremen, where, it appears, shoes were made for a larger market, as early as A. D. 1300, the membership of the Gild among the Shoemakers was inherited by both sons and daughters; and every one who became master had to pay a quarter of a mark. In 1308 it was decreed in that town that whoever was not born in the Gild, must before entering it be possessed of a fortune of eight marks free of debt[2]. At Tournay[3] it became necessary as early as 1365 to forbid usurers carrying on the Weavers' trade. The capitalist character of the Gild became preponderant to such an extent, that proof of the possession of capital, or of a house in which the trade was to be carried on[4], was frequently made a requisite for a candidate's admission. Often we find a forbiddance to carry on trade with borrowed capital[5]; and hence, even where the practice of inheriting the freedom of the Gild had not been established by the Gild-Statutes[6], the freedom became practically hereditary on account of the difficulty of complying with the conditions for entrance. Even the requisite of spotless honour for admission was abused by the Gild-meetings in order to keep off competition, for they had the right of refusing admittance to anybody. Whole classes of persons were denied admission, as in Germany, all born out of wedlock, the sons of peasants, &c.[7] In England also legitimate birth was a requisite of admission[8]. Besides,

[1] Ouin-Lacroix, p. 651—*Statuts des Éperonniers de Rouen en* 1358, art. xi. p. 655; *Statuts des Filassiers et Filassières de Rouen,* 1358 *et* 1394, art. xvi., &c.

[2] Berlepsch, vol. iv. pp. 32, 34.

[3] Ouin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en* 1365, art. ii.: "Un usurier ne pourra exercer le métier de tisserand."

[4] Berlepsch, vol. vi. pp. 126, 127.

[5] Berlepsch, vol. ii. p. 229—Charter of the Vienna Tailors, 1340.

[6] Ouin-Lacroix, p. 740—*Statuts des Forgerons d'outre les rivières d'Orne et Aure en Normandie en* 1405, art. i.: "Nul ne forgera s'il n'est fils d'un ferron ou mari d'une de ses filles."

[7] Berlepsch, vol. iv. p. 33; Pölitz and Bülau, 1841, vol. ii., Stock's article on *Gilds.*

[8] See the *Constitutions of Masonry,* printed by Mr. Halliwell from the MS. Bibl. Reg. 17. A. 1, fol. 32, in the British Museum, second edition, 1844. Though these recognize the keeping of concubines by Masons, telling one,

> 'Thou schal not . . ly . . by thy felows concubyne,
> No more thou woldest he dede by thyne,"—(l. 324–328)—

yet by *Articulus quintus* the apprentice is evidently to be of lawful birth:—

in this country in the fourteenth century every citizen had to swear, when he received the freedom of the City, that he would take no apprentice "but if he be free-born, (that is to say) no bondsman's son [1]; " and if after he was made free of the Gild and the City, it was known that he was of servile condition, he lost his freedom [2]. In short, in the fourteenth century commenced the transformation of the trades into entails of a limited number of families,—though this number may have been large; and the narrow-minded spirit of capital, petty rivalries, and hateful egotism began to take the place of the great idea of association and solidarity under which the Craft-Gilds grew up and flourished. Sometimes the richer craftsmen withdrew from their poorer brethren into separate Gilds, as, for instance, the Shoemakers from the Cobblers, the Tanners from the Shoemakers [3]; and we frequently hear of disputes among the Craft-Gilds concerning what belonged to their trade [4]. The Emperor Sigismund also complains, in 1434, in his *Secular Reformation* [5], that membership of the Gilds had then to be "grossly bought," that in the town council the crafts followed with partiality their own advantage only, to the public detriment; and he believes that the only remedy would be their abolition. Similar abuses of the craftsmen perhaps contributed to the ordinance requiring returns as to the aims, constitution, statutes and means of the Gilds,

"The fyfthe artycul ys swythe good,
So that the prentes be of lawful blod."—(l. 147-8.)

And the apprentice of higher degree is evidently also legally born :—

"By olde tyme wryten y finde,
That the prentes schulde be of gentyl kynde;
And so sumtyme grete lordys blod
Toke thys gemetry, that ys ful good."—(l. 143-6. F. J. F.)

[1] Compare the well-known passage in the *Constitutions of Masonry* (MS. of the fifteenth century), ed. Halliwell, p. 16, *Articulus quartus* :—

"The fowrthe artycul thys moste be,
That the mayster hym wel bese
That he no bondemon prentys make,
Ny for no covetyse do hym take;
For the lord that he ys bonde to,
May fache the prentes whersever he go.
3ef yn the logge [note the early use of the word *lodge*] he were ytake,
Muche desese hyt my3th ther make,
And suche case hyt my3th befalle,
That hyt my3th greve summe or alle."—(l. 127-136. F. J. F.)

[2] Stow's *Survey of London*, p. 328, where examples are produced of citizens losing the freedom of the City in later times on account of their being born as bondsmen.

[3] Berlepsch, vol. iv. p. 41, &c.; Ouin-Lacroix, p. 748—*Tanneurs de Sens*, 1375, art. x.

[4] Berlepsch, ibid.; Riley, *Memorials*, pp. 156-162; Herbert, vol. i. p. 104.

[5] Goldasti, *Constitutiones Imperiales*, vol. iv. p. 189, cap. iv.

in 12 Richard II., to which we are indebted for most of the documents contained in Mr. Smith's collection. At least, complaints against the Gilds were at other times the occasion for such inquiries. Thus, in the case of the London Weavers in 14 Edward II., and later in 1437, 15 Henry VI., on a petition[1] of the Commons to the king declaring that the Craft-Gilds abused the privileges granted to them by enacting ordinances hurtful to the common profit of the people; and in our time also we have seen, from the same cause, something similar in the Royal Commission on Trade-Unions. The Act which followed in consequence of the petition in 1437, the 15th Henry VI. c. 6, 7, ordained, besides the returns just mentioned, "that they [the Gilds] should not make or use any ordinance in disparity or diminution of the franchises of the king or others, or against the common profit of the people, nor allow any other ordinances without their being first approved and enrolled before such Justices of the Peace, and that the same should be by them afterwards revoked and recalled, if not found to be wholly loyal and reasonable," &c.

The last-mentioned restrictions in the Craft-Gilds at a time—the middle of the fourteenth century—when the villeins were rushing in great numbers into the towns to take up trades, must have prevented a great number, and in several trades the majority, of workmen, from themselves becoming independent masters; and thus there arose a real working-class, with separate views and interests. Whilst the statutes before the fourteenth century frequently do not even mention the workmen, after the middle of the fourteenth century it became absolutely necessary to regulate their relations to their masters. Above all things, the provisions for the settlement of disputes between masters and workmen which recur in all countries, are striking, as well as the care that both masters and workmen should fulfil their obligations to each other. The deciding authorities were here always the wardens of the Gild. Masters who withheld from the workmen the wages to which they were entitled were compelled to pay by the Gild authorities[2]. On the other hand, "if any serving man shall

[1] Herbert, vol. i. pp. 106, 107.

[2] Riley, *Memorials*, p. 306—Articles of the Alien Weavers, 1362: "If any workman has served his alien master by the day or by the week, and the said master will not pay the workman for his work, according as they shall have agreed, the good folks who shall be ordained or sworn to keep and rule the said trade, shall have power to forbid the said master to be so daring as to work at the said trade until he shall have paid his workman what he is bound to pay him. And if he shall do the contrary, and be convicted thereof, let him pay to the chamber the penalty that is underwritten." See also Ibid. p. 512—Ordinances of the Founders, 1389, and others. The Gild-Statutes of the Continent show the same fact, for

conduct himself in any other manner than properly towards his master, and act rebelliously towards him, no one of the trade shall set him to work until he shall have made amends before the mayor and aldermen, and before them such misprision shall be redressed[1]." In the case of the Tailors of Vienna the rule became necessary that "no workman shall be allowed to leave his master fourteen days before a festival," that is, at a time when there would be the greatest demand for work[2]. Among the Tailors of Silesia we find that in 1361 the system of journeymen travelling in search of work was already completely organized[3]. Some of the Continental statutes—probably with the object of restricting competition—made it a requisite of mastership that every one should have worked as a journeyman for a certain number of years[4]. Moreover, all journeymen were strictly forbidden to work on their own account[5]; and, where they were allowed to marry, their wives were forbidden to work[6]. These workmen had also frequently to become members of the Gild, and had to pay contributions[7]. But a great difference was evidently made between the workman who had no prospect of becoming a master, and the apprentice who took to the trade with that view[8]. Besides also, we meet with beneficent regulations in favour of the workmen. Thus, for instance, the articles of the Braelers[9] decree: "If any serving man of the said trade, who has behaved himself well and loyally towards his masters whom he has served, shall fall sick, or be unable to help or maintain himself, he shall be found by the good folks of the said trade until he shall have recovered and be able to help and maintain himself."

instance, Ouin-Lacroix, p. 748—*Statuts des Tailleurs de Montpellier en* 1351, art. xi.: "Si quelque maître ne faisait pas justice à ses ouvriers en leur refusant leur salaire, il sera tenu de les satisfaire à l'arbitrage des maîtres." Art. xii.: "Si quelque ouvrier obligé envers quelq'un des maîtres, ne voulait s'acquitter à l'arbitrage des autres maîtres, nul des maîtres ne lui donnera plus d'emploi." See also Ibid. p. 740—*Statuts des Forgerons, &c., en Normandie,* 1405, art. i., and many other Gild-Statutes.

[1] See Riley's *Memorials*—Ordinances of the Whittawers, 1346 (p. 232); Braelers, 1355 (p. 277); Founders, 1389 (p. 512); Brasiers, 1416 (p. 624), &c.

[2] Berlepsch, vol. ii. p. 229.

[3] Ibid. pp. 230–233.

[4] See, for instance, Ouin-Lacroix, p. 735—*Statuts des Boulangers d'Arras en* 1372, art. i.

[5] See, for instance, Ouin-Lacroix, p. 748—*Tailleurs de Montpellier en* 1351, art. xiii.

[6] For instance, Ouin-Lacroix, p. 584—*Cardiers de Rouen en* 1397, art. xii. p. 675; *Gaîniers de Rouen en* 1402, art. xiii.

[7] See Riley's *Memorials*, p. 547—Articles of the Leathersellers, 1398; Ouin-Lacroix, *Tailleurs de Montpellier en* 1351, art. ii.

[8] For instance, Riley's *Memorials*, p. 570—Articles of the Bladesmiths, 1408: "And that no one of the said trade shall teach his journeymen the secret of his trade, as he would his apprentice, on the pain aforesaid."

[9] Riley's *Memorials*, p. 277.

The plague of 1348, and the consequent depopulation, brought the opposition between the interests of the working-class and the employers for the first time on a large scale to a crisis. As the clergy took advantage of the small number of those who could say masses and prayers in conformity with the intentions of the faithful in order to increase their fees, and as merchants and tradesmen took advantage of the small supply of wares to raise their prices, in like manner the workmen endeavoured to use, for a general rise in wages, the distress into which the propertied class had been plunged through the universal dearth of labour. The consequences of this were the notorious Statutes of Labourers (23 and 25 Edward III.), in which it was ordained for workmen in general, but especially for agricultural labourers and those employed in the building trades, that no workman should take more, and no employer should give more, than had been customary before the plague. It has become the fashion in our time to represent these wage-regulations as a policy contrived for the oppression of the labourer, and this especially in explanations to working-men asking for legal regulations of wages,—as they frequently did towards the end of the last century and in the beginning of the present,—of the superior value of modern legislation for the working-class. To give such a character to these statutes is however, in my judgment, a complete misrepresentation of the real state of the case. These regulations of wages were but the expression of the general policy of the Middle Ages, which considered that the first duty of the State was to protect the weak against the strong, which not only knew of rights, but also of duties of the individual towards society, and condemned as usury every attempt to take unseemly advantage of the temporary distress of one's neighbour[1]. According to Knighton, there existed at the time of the plague such distress and such general loosening of the bonds of society as is only to be found in the descriptions of earthquakes in South America. Whole villages died out; houses fell into ruins; nobody would work except for enormous wages. In consequence of this, whole flocks perished for want of herdsmen, and the corn-crops, which were unusually rich that year, perished on the ground, as no reapers could be found. All existing relations threatened to become dissolved. To this was added an incursion of the Scots; and then the king, in order to bring something like order into the chaos, and to save the State and society from destruction, issued the ordinance which compelled the labourers to

[1] From this policy sprang indeed all mediæval price-regulations of wares, and especially of provisions, as well as the severe punishments and the frequent and well-meant, though mistaken, prohibitions of the engrossing of goods to re-sell them at higher prices in times of dearth.

work for fixed wages. In order to have something like a fixed standard, he naturally reverted to the scale of wages which existed before the plague. But ordinances of this kind were by no means directed against the labourers alone, for similar measures struck at all who in a similar spirit of usury would enrich themselves from the general misery, like those clergy who claimed larger fees for their prayers and masses, and like those merchants and tradesmen who raised the price of their goods. The purpose of the law, to protect especially the weak, may also be seen in the punishments which the rich incurred who paid higher wages, thereby raising the general rate, and thus preventing poorer men from hiring labourers[1]. However much this policy must be condemned as unwise from an economical point of view, yet surely to render it suspected, as is the pharisaical wont in our days, is miserable; for at all events its basis is more moral than ours, when we give up our workmen without protection to their employers, and they have to choose only between the conditions of their masters and the workhouse or starvation.

In the towns the plague produced the same consequences as in the country, and accordingly, in 1350, we meet with a regulation by the mayor of London, of wages and prices in all trades in the City[2]. Likewise, in the ordinances of the Craft-Gilds agreed upon after the plague, we invariably find the rule that nobody "shall take for working in the said trade more than they were wont heretofore[3]." And when, in the year 1362, a tempest caused fearful ravages amongst the roofs of houses, there was issued a "Royal order, that materials for roofing, and the wages of tilers, shall not be enhanced *by reason* of the damage done by the late tempest[4];" an order whose title alone confirms my statement as to the motives of these laws. These endeavours of the labourers to raise wages of course showed themselves first and most strongly in the trades in which, as in the cloth manufactures[5], the new development had progressed the farthest, and in which there existed a large working-class. Thus we find, in the year 1350, a petition[6] from the Master-Shearmen to the City authorities of London, in which they complain that they could no longer have journeymen at the same rate of wages as formerly; that "now the men will not work otherwise than by

[1] See Knighton's Chronicle in *Historiæ Anglicanæ Scriptores decem*, pp. 2599–2601. Londini, 1652.—Consult generally on the Black Death of 1348, Mr. Seebohm's excellent series of articles in the *Fortnightly Review* about two years ago.—F.

[2] Riley's *Memorials*, p. 253.

[3] For instance, Riley, pp. 245, 292, 330, &c.

[4] Ibid. p. 308.

[5] In later times a Truck Act was also first required for the cloth manufacture, that of 4th Edward IV. c. 1 (1464–5).

[6] Riley, p. 251.

the cloth, and then so greatly hurry over the same, that they do great damage to the folks to whom such cloths belong;" and that therefore the old customs should be re-established under penalties. One of their ordinances in the same year [1] shows that the journeymen in disputes between a master and his workmen had "heretofore" already availed themselves generally of strikes as a means of procuring satisfaction for their fellow-workers; it was therefore "ordained that from henceforth, if there be any dispute moved between any master and his man in the said trade, such dispute shall be settled by the warden of the trade." If the workman did not submit to the warden, he was "to be punished by the mayor and aldermen at their discretion." The statutes of the Alien Weavers of 1362 [2] contain the same enactment verbatim.

Accounts at that time of strikes in the building-trade are particularly numerous; and this is easily explained by the peculiar circumstances of this trade, which differed from all others. The trade appears to have been of a twofold kind. When cathedrals and palaces were built, there was but one master—the architect of the present day. Between him and the workmen there were masters and foremen answering to the masters and foremen of modern factories [3]. The "lodge [4]" itself of the architect was very similar to our factories; it consisted of one or more workshops in which the workmen worked together; and the part of the Code of the Rochlitz Stonemasons referring to the workmen, bears a perfect resemblance, *mutatis mutandis*, to our factory rules [5]. In the building of dwelling-houses, however, it appears to me that the owner himself conducted the work, that he engaged both masters and workmen, and that the masters stood to him in the same intermediate position as the foremen above mentioned. Hence we find in the legal regulation about wages, special directions how much wages the masters in the

[1] Riley, p. 247. [2] Ibid. p. 306.

[3] See in Berlepsch, vol. viii. pp. 194–209, the Code of the Rochlitz Stonemasons of 1462, which was formed after that of Strasburg; also Quin-Lacroix, p. 227, &c.

[4] The German word is "Hütte." It meant as well the workshop as the place of meeting, which in those days were identical.—The seemingly different meaning of the word *lodge* in early (as in modern) England has been noticed above, p. cxxxix, note 1. Compare too from the same *Constitutions of Masonry*, p. 22, of the apprentice's duty:—

> "The prevystye of the chamber telle he no mon,
> Ny yn the *logge* whatsever they done;
> Whatsever thou heryst, or syste hem do,
> Tell hyt no mon, whersever thou go."—(l. 279–282. F. J. F.)

[5] Berlepsch, vol. viii. pp. 204–209.

building trades were to receive[1]; and it was frequently defined how much the master might retain of the wages which were paid to him for the workmen[2], or that he should deduct nothing for himself[3]. Sometimes also they undertook such buildings in gross, i. e. by contract[4], as is proved by the statutes of the London Masons of 1356. Thus these old building-trades show a great similarity in their institutions to those of our modern Great-Industry; there were fewer persons who carried on the trade on their own account, and a greater number of dependent workmen, than in the other trades; and the last-mentioned ordinances point to relations, such as are still greatly abhorred by workmen of the present day. Naturally, those relations led then to the same differences between workmen and their employers as they lead now. Thus in England the "Royal mandate as to the workmen who have withdrawn from the works at the Palace of Westminster[5]" tells us of a strike amongst the workmen in the building-trades; and the two laws enacted there in the Middle Ages against combinations, congregations, and chapters of workmen, the 34th Edward III. c. 9 and 3rd Henry VI. c. 1, were directed against workmen in the building-trades only[6]. Moreover, the peculiar position of these trades is indicated by the fact that all the legal regulations of wages in the Middle Ages which are cited by Eden[7], refer—by the side of agricultural labourers—exclusively to the workmen in the building-trades. About this time also there sprung up in the building-trades in France the "compagnonnage," and for centuries it existed among workmen only employed in these trades[8].

Though the combinations and Trade-Unions in the building-trades of that age may be explained by the altogether peculiar circumstances of these trades, and though they must therefore be considered as an exceptional phenomenon, yet, on the other hand, the rise of a class of journeymen with special interests and views must have necessitated and called forth an organization of

[1] See Riley, p. 253—Wage-regulations of the City of London; also the 25th Edward III. c. 2, as well as the 34th Edward III. c. 9.

[2] Berlepsch, vol. viii. p. 171.

[3] Ibid. p 197, art. 9.

[4] Riley, p. 281.

[5] Ibid. p. 271.

[6] Compare, too, the Ordinances of Worcester, art 57. (Mr. Toulmin Smith's collection, p. 397). The Act of Henry VI. (A.D. 1424-5) mentions "the yearly congregations and confederacies made by the Masons in their general chapiters assembled."

[7] Eden, *State of the Poor*, vol. i. See also Riley, *Liber Albus*, pp. 251, 288.

[8] See Simon, *Étude historique et morale sur le Compagnonnage*, Paris, 1853, p. 90, and others. This term meant originally, says the *Dict. de l'Académie*, "the time during which a young man who had finished his apprenticeship worked at his master's before he could set up for himself. It is used now for the union of artisans in different associations." The latter is the sense in which it is employed in the text.

them. Accordingly, we meet on the Continent about this time with special fraternities of journeymen, which were formed after the model of the fraternities of craftsmen, just as the Craft-Gilds were after that of the Town-Gilds. Their statutes refer to common divine service at stated times, to common meals—with a multitude of directions about maintaining order on these occasions and at other meetings—to burials, to support and nursing of the sick, to entrance-fees, contributions, &c. Every journeyman of the trade in a town had to belong to it. We also find directions for the journeymen to do their duty faithfully to their masters, and inculcations of the rules of the Craft-Gild, as, for instance, that no one should summon another before a court of justice until a compromise had been first attempted before the wardens of their own journeymen's fraternity, and next before those of the Masters' Gild. For these fraternities appear generally as supplements to the Masters' Gilds, providing only especially for the social and religious wants of their fellow-members of the journeyman class. They were therefore recognized by the Masters' Gilds, and even established by their consent. Thus the Journeymen-Bakers of Copenhagen [1] founded, in 1403, a Gild in honour of St. Catherine; and we have still the ordinances of the Journeymen-Bakers at Hamburg from 1481 [2]. Many others, no doubt, existed besides. In London also the same wants led the journeymen to form the same organizations. But here the City authorities were evidently afraid of the workmen abusing their unions as a means of raising wages. At least, in 1383 they issued a proclamation [3] forbidding all congregations, covins, and conspiracies of workmen in general; and when, in 1387, three journeymen cordwainers, wishing to found a fraternity, combined with a Friar Preacher, in order that he might obtain for them a confirmation from the Pope, and thus secure them against the last-mentioned prohibition of the City, they were pounced down on, and carried off to Newgate, under the powers of the said proclamation, before their plan could be carried out [4]. A record of 1396 shows the existence of a religious fraternity of the serving-men of the Saddlers, "called yomen [5]." They had their

[1] Wilda, p. 343.
[2] Berlepsch, vol. vi. p. 125.
[3] Riley's *Memorials*, p. 480.
[4] Ibid. p. 495.
[5] Mr. Riley observes in a note to this word, that "it possibly may have been intended as an abbreviation of the words 'young man,' equivalent to *garcio*, and *valettus*." I have no doubt that this is the right explanation of the word. The 20th Richard II. s. 1 speaks of "varlets called yeomen." The word is identical with the German: *Geselle, Junggeselle*. *Junggeselle* means bachelor, a word which was very often used for yeoman; see, for instance, Herbert, vol. ii. p. 652. The reason for calling the journeymen of the craft yeomen and bachelors, was probably that they were at that time in England, as was the case in Germany, not allowed

own livery, and six governors; and had, in 1396, existed thirteen years. But as the Masters were of opinion that this fraternity might be made the means of raising wages, it was, at the Masters' request, suppressed by the City authorities[1]. The same fate befell, in 1415, the brotherhood of "yomen taillours," who in like manner wore a livery, had their meetings and religious services, and lived in houses in common[2]. However, in spite of this attempt at suppression, the brotherhood continued to exist; for in 1417 they petitioned the City authorities to allow them to hold religious services for the souls of their departed fellow-members on the feast of the Beheading of St. John the Baptist (August 29), and "to do other things which theretofore they had been wont to do.". We have no account as to the result of this petition, but it was most probably refused.

As a substitute for these attempts to form an independent organization of the journeymen class, the City authorities always decreed, as in the above-mentioned case of the Shearmen, "that the serving-men in the trade aforesaid should in future be under the governance and rule of the masters of such trade, the same as the serving-men in other trades in the same city are wont, and of right bound, to be." To this was added, for their protection, this precept, "that the said masters must properly treat and govern their serving-men in the trade, in such manner as the serving-men in like trades in the city have been wont to be properly treated and governed;" and at the same time the means of appeal against the decisions of the Gild-masters is given to the workmen; for it is ordained: "And that if any serving-man should in future wish to make complaint to the Mayor and Aldermen, for the time being, as to any grievance unduly inflicted upon him by the masters aforesaid, such Mayor and Aldermen would give to him his due and speedy meed of justice as to the same[3]."

From the wording of these decisions, as well as of the regulations referring to workmen in the above-mentioned ordinances of the Shearmen, one might infer that the workmen in the just-named trades had not yet been under the control of the Gild-masters. But this is contradicted by the fact that in other cases the workmen were at that time generally subject to their authority; as well as by the fact that the City authorities in the year 1415 expressly reproached the wardens of the Tailors' Gild that societies

to marry before they were masters. (On the other hand, we must recollect that Spelman, and Wedgwood after him, hold the true derivation of *yeo-* to be the Gothic *gavi*, Fris. *gao*, *gae*, a district, county, village, whence Fris. *gaeman*, a villager.—F.)

[1] Riley's *Memorials*, p. 542. [2] Ibid. p. 609. [3] Ibid. p. 542.

existed among their workmen, though those workmen were subjected to the wardens' control. It is possible, however, that in certain trades, and especially in those trades in which—as in the cloth-manufacture—there was a large working-class, the workmen, who themselves had no prospect of ever becoming masters, had up to that time not become apprentices, and did not therefore belong to the Gild; and that they were now for the first time subjected to the authority of the Gild-masters. Perhaps the following enactment of the Leathersellers refers to this: "That *from henceforth* no one shall set any man, child or woman, to work in the same trade, *if such person be not first bound apprentice, and enrolled in the trade;* their wives and children only excepted[1]."

It appears, however, that the way in which the affairs of the yeomen were regulated by the masters of the Craft-Gild, to which the yeomen now belonged as freemen on the expiration of their apprenticeship, satisfied their wants on the whole; for from thenceforth we know of no further accounts of such fraternities in London. From two laws of Richard II. one may infer that fraternities of this kind existed in other parts of England; for one of these laws enacts, "that no varlets called yeomen" should wear liveries; the other, "that no livery should be given under colour of a Gild or fraternity, or of any other association, whether of gentry or *servants*, or of commonalty[2]." The ordinances of the Gild of the Tailors at Exeter in the time of Edward IV. show, moreover, that the servants there belonged to the Gild; but the ordinances speak also of a "ffeleshyppe of the Bachelerys[3]," which was probably a fraternity like that of the Journeymen-Bakers at Copenhagen, which we have already referred to; and it probably stood in the same relations to the Craft-Gild. But to this fellowship there belonged also "schoppe-holders," probably such as had become masters and had not yet married. One instance that masters and wardens of Gilds really protected workmen against their masters, is furnished by the "Examples of the Control by the Gild[4]" contained in Mr. Toulmin Smith's collection. In the Gild of the Cordwainers of Exeter a certain number of wardens was even regularly taken from the journeymen[5].

The degeneration of Craft-Gilds—which began, as has already been shown, so soon after they had obtained independence and authority in trade matters in the towns—progressed, after it had

[1] Riley's *Memorials*, p. 547—Ordinances of the Leathersellers, 1398.
[2] Herbert, vol. i. p. 60. Compare also Eden's *State of the Poor*, vol. i. p. 597, *note*.
[3] Mr. Toulmin Smith's collection, p. 313.
[4] Ibid. p. 322, No. 6.
[5] Ibid. p. 332.

once begun, with increasing rapidity. In the fifteenth century the capitalist quality of the craftsmen becomes more and more prevalent among the requisites for obtaining membership; and ever more numerous become the restrictions by which they endeavoured to seclude themselves, and thus to make the handicrafts the monopolies of a few families. But this was even more the case in the following centuries, and therefore Lord Bacon, speaking of these Gilds, justly describes them as "fraternities in evil."

Accordingly we find in 1503, in 19 Henry VII. cap. 7, a repetition of the restrictions on the "masters and wardens from making any new bye-laws or ordinances concerning the prices of wares and other things, for their own singular profit, until first examined and approved of by the Lord Chancellor, Lord Treasurer, or King's Justices," restrictions which had been attempted in vain, as it appears, by 15 Henry VI. cap. 6. But as the corporations, again acting contrary to this law, arbitrarily raised the entrance-fee of apprentices to 40*s.*, the Act 22 Henry VIII. cap. 40 (A.D. 1530) fixed it again at 2*s.* 6*d.* on becoming an apprentice, and at 3*s.* 4*d.* on obtaining the freedom of the Gild. In 1536 it became even necessary to pass a law (28 Henry VIII. cap. 5) forbidding the masters of the corporations to take an oath from the apprentices that they should not carry on the trade on their own account without the masters' consent; and also forbidding them to exact sums of money for granting the freedom of the Gild. How little these laws availed against the selfish endeavours of the Craft-Gilds to prevent apprentices from becoming masters, and thus diminish competition, is shown in the account by Stow (edition of 1720, p. 329): "It was a great matter in former times to give £10 to bind a youth apprentice; but in King James I.'s time they gave £20, £40, £60, and sometimes £100 with an apprentice. But now these prices are vastly enhanced to £500, or £600, or £800." In agreement with this is the account that Cromwell granted the Grocers a charter, by which they were empowered to levy a fine of £30 on a member at his admission [1]. The ordinances of the Cutlers of Hallamshire [2], of the sixteenth century, and of the Framework-knitters [3], of the seventeenth, show moreover, in the privileges enjoyed by the children of Gild-members, the same tendency to make the trade hereditary which prevailed among the Craft-Gilds on the Continent.

Though the last sums mentioned by Stow probably merely refer to the twelve great companies, yet the general laws under

[1] Herbert, vol. i. p. 183.
[2] Hunter's *History of Sheffield*, p. 119.
[3] *Journals of the House of Commons*, vol. xxvi. pp. 790–794.

Henry VIII., which have been quoted, point to such great difficulties hindering apprentices in all trades from becoming masters, that we can easily understand why they were so exasperated against strangers, who, specially allured and favoured by kings, could carry on their crafts without these hindrances. This exasperation led to repeated insurrections of the apprentices, the first on Evil May-day 1517; another in 1586, against those foreign tradespeople who for the sake of religion had sought refuge in England[1]; and in 1641 it gave rise to a petition from the apprentices to Parliament for measures against the strangers, who took away all their prospects of independent settlement, whilst they themselves had to struggle with so many hindrances[2].

In Germany also, after the sixteenth century, ordinances against the abuses of the Craft-Gildmen are met with regularly in the laws of the Empire[3], and especially against the exclusion of whole classes of persons from the Craft-Gilds on account of pretended infamy of birth. On admission to the Craft-Gild, real proofs of nobility—just as in the case of collegiate chapters—had to be furnished at the examination whether a candidate was worthy by his birth of the Gild or not[4]. In the ordinances of individual German States we meet with similar enactments against the heavy expenses on the admission of apprentices as we do in England, and which were followed by similar results[5]. As the apprenticeship did not last seven years, as in England, but only from two to four years, the Craft-Gilds, in order to diminish competition, laid the journeymen under the obligation of travelling, sometimes for five years[6]. Moreover, after the end of the fifteenth century, the making of a masterpiece became a requisite for the right of the independent exercise of a craft. This was a very costly article, and, after all, unsaleable, as the things required

[1] Stow, ed. 1720, p. 333.

[2] *The Apprentices of London Petition presented to the Honourable Court of Parliament*, 1641 (British Museum): "And first we beseech your honours to take into consideration the intolerable abuse of our apprenticeship: for where we by coercion are necessarily compelled to serve seven or eight years at least, before we can have the immunity and freedom of this city to trade in: those which are mere strangers do snatch this freedom from us, and pull the trades out of our hands, so that by these means, when our times are fully expired, we do then begin in a manner to suffer a second apprenticeship to them, who do thus domineer over us in our own trades," &c.

[3] *Reformation guter Polizei zu Augsburg*, 1530, tit. 39; 1548, tit. 36, 37; *Recessus Imperii*, 1551, §§ 83, 84; 1559, §§ 75–80; 1566, § 178; 1570, § 152; *Reichspoliceiordnung*, 1577, tit. 15, 37, 38; *Recessus Imperii*, 1594, §§ 125–127; 1654, § 106; *Conclusum Imperii*, 1731.

[4] See Stock's article on Gilds in Pölitz and Bülau, vol. ii. 184.

[5] See Berlepsch, vol. ii. p. 235.

[6] Ibid. vol. vi. p. 119.

were frequently altogether useless[1]. Moreover, in spite of ordinances of individual German States to the contrary, the most luxurious inauguratory dinners[2] were required, so that the few who found it possible to become masters, generally commenced business in debt. The sons of masters, however, were exempt[3] from all these restrictions, from the appointed term of apprenticeship and the travelling, as well as the masterpiece. Indeed, the tyranny of these family-clubs extended itself to the most intimate relations. Whilst the journeymen were generally forbidden to marry[4], the masters were required to be married[5]; and sometimes the candidate for the mastership was even obliged to point out an "honourable and virtuous" maiden as his future wife[6]. The descent of the bride or wife was then subjected to the same examination as that of the craftsman himself; but if the latter resolved to marry the daughter or widow of a master, special favours were in store for him. Corporations frequently traded with their freedom[7], and the latter was often attached to particular houses. Stock says very justly indeed: "A merchant's shop, a brew- or bake-house, a stall in the shambles, the workshop of a smith or shoemaker, resembled a prebend; they were only more difficult to obtain; but they were also worth more than the latter, because they were hereditary[8]." In France also the Craft-Gilds, after the middle of the fifteenth century, hardened into the same narrow-mindedness as in England and Germany, with the same favours to the sons of masters as regards the term of apprenticeship and of travelling, entrance-fees and masterpieces, so that as early as 1614 the Third Estate desired the suppression of these Gilds.

The transformation of the Craft-Gilds into societies of capitalists, exercised of course also an influence on their government; and it appears altogether natural when, in the sixteenth century, we see that government entirely transferred into the hands of the richer Gild-Members. The Gild-Members were at that time in England divided into three classes: the livery, to which the richer masters were admitted; the householders, to which the rest of the masters belonged; and the journeymen belonging to the Gild, who were simply called "freemen," sometimes also "yeomanry" or "bachelors." Instead of the former sovereign meeting of all Gild-Associates, there now appeared a "Court of Assistants," who governed the Gild and enacted its ordinances.

[1] Pölitz and Bülau, vol. ii. p. 121 (1841); Berlepsch, vol. ii. p. 239. In England also masterpieces were sometimes required; see, for instance, the bye-laws of the Company of Framework-knitters; *Journals of the House of Commons*, vol. xxvi. pp. 790–794.

[2] Berlepsch, vol. vi. p. 128.

[3] Ibid. vol. iv. p. 52.

[4] Ibid. vol. iv. p. 77.

[5] Pölitz and Bülau, vol. ii. p. 125 (1841).

[6] Ibid.

[7] Ibid.

[8] Ibid. p. 127.

The first legal appointment of a Court of Assistants is met with under Philip and Mary [1]. After the time of James I., the transfer of the elective franchise from the "*communitas*" to the courts of the companies became general in the charters; and in this manner, what had hitherto existed merely on sufferance became legal. The king appointed the first members of the court for life. As these withdrew or died off, the court itself filled up the number from former Masters and Wardens. But these it likewise chose from amongst the liverymen. To the rest of the Gild-Members, election-day briefly meant the day on which they assembled in the Gild-hall to hear the names of the elected proclaimed [2]. An oath was also introduced for all members, in which they swore to obey the Master and Wardens and their ordinances [3]. Refractoriness towards the Gild, violation of its laws, refusal to accept office if elected,—these were punished as formerly. The charitable regulations also remained the same as in former times.

The transfer of the centre of force from the Meetings of all the Gild-Associates to the Court of Assistants was not always effected without opposition from at least a part of the members, as is proved by a pamphlet of the year 1649 on the Constitution of the Clothworkers' Company, the successors of the old Weavers' Gild [4]. According to this pamphlet, a part of the Gild-Associates, relying on the old charters of the Gild, appear to have claimed for the whole body of the Gild-Members, both the right of electing their Wardens, as well as of framing ordinances. Against this the said pamphlet endeavours to prove, with the most arbitrary misrepresentation of the sense and the words, that the word "commonalty" in the old charters meant, not the collective body of Gild-Members, but only the Master, Wardens, and Assistants. A glance at the charters shows at once the untenableness of this assertion [5]. The transfer of the supreme authority rested rather, as it seems, on ordinances of the Gild. However, the democratic party failed in their endeavours.

[1] Herbert, vol. i. p. 118.

[2] Ibid. vol. ii. p. 652, &c.

[3] Ibid. vol. i. p. 188, &c.

[4] One copy of this pamphlet is in the Corporation Library, Guildhall, and two copies in the British Museum. In all three the title is wanting. One of them is in the collection of pamphlets of the year 1649 given by George III. to the Museum, and has attached to it a sheet of writing-paper, on which is written in ink: *Chitwin's Collections of ye Company of ye Clothworkers Priuilidges, Aug.* 1649.

[5] *The Charter of the Company of Clothworkers of London*, London, printed in the year 1648 (British Museum).—During my stay in London, the same struggle was going on in the Watermen and Lightermen's Company between the masters and the men, the latter being represented by the Thames Working-Lightermen and Watermen's Protection Society, as I was informed by the Secretary of this Society.

The possession of large capital, which became more and more a requisite for the independent exercise of a trade, would impair more and more the prospects of workmen becoming masters, and would call forth an ever-increasing antagonism between the interests of workmen and masters[1]. It is evident that, under these circumstances, special laws and organizations became necessary for the workmen. In Germany, where the Craft-Gilds were governed as in England, by one master and eight councillors,—except that in Germany the government did not degenerate into such an oligarchy as in England, because the collective body of Gild-Members always elected the governors,—we meet with such organizations in connection with the system of the travelling of journeymen which had become obligatory since the sixteenth century.

It was a difficult task to live in a large town, in a foreign land, with a very scanty supply of cash, until the wandering journeyman had convinced himself, after many inquiries, whether there was work to be had in the place. At the same time it was a matter of importance to the masters living in a town to have the means of finding out whether there were journeymen in search of work, so that in case of necessity they could at once obtain hands for their workshop. Both these wants were met when the host (*Herbergsvater*, father of the inn) appointed to the charge of the house of the Gild (the so-called *Herberge*, inn) was obliged to take in every one who could furnish proof that he was a journeyman of that particular craft. When, then, a travelling journeyman arrived, who wanted work, the host was able to give him the necessary information, for there was in the house a list of all the masters who were in want of journeymen. If several masters had asked for men, he who was first on the list received the first journeymen who arrived; but the master who had more journeymen, had always to give place to him who had fewer in his workshop. Sometimes a special master or a journeyman was appointed by the Gild to look out for work for the wandering journeymen[2]. If the journeyman found no work, he received in various crafts (the so-called *geschenkten*, donation-giving ones) a sum of money to support him on his journey to the next town, which was called the donation (*das Geschenk*): this came not merely from a fund which the journeymen had formed amongst themselves for that purpose, but the masters also contributed towards it[3]. There are a series of ordinances referring to cases

[1] The true employer's spirit is already to be seen from the pamphlet, *Relief of Apprentices wronged by their Masters*, London, 1689 (British Museum).

[2] Already ordained by the *Reformation guter Polizei*, 1530, tit. 39.

[3] Berlepsch, vol. iv. pp. 73, 74.

in which a journeyman was to forfeit the donation; and as the Imperial laws[1] which at first forbade altogether the giving of donations (on account of the abuses connected with the system) had no effect, they were contented with restricting it.

In the more important trades in Germany this system of travelling led to the formation of special fraternities of journeymen, which so strikingly resemble the Trade-Unions, that a description of them may be of interest. The following account is derived principally from the Statutes[2] of the "Shoe-servants[3]" of Arnstadt in Thuringia in the year 1628. As the Introduction informs us, these rules were ordained at the request of the masters of the Shoemakers' Gild of that town. It narrates that of old the Shoe-servants had a fraternity, imposts, and some Articles; but that since these had fallen into abeyance, and the Articles had been destroyed in the great fire, the masters had decided "to get some new Articles confirmed, especially as in these evil, unquiet, and perverse times it was highly necessary to establish and maintain sound discipline and honesty in the crafts." In the first place, an inn was established, where all wandering journeymen had to turn in. The host was called Father; the housewife, Mother; the daughters and maid-servants, Sisters; the sons and servants, Brothers[4]. To call them otherwise was an offence for which there was a fine. The greatest reverence had to be paid to the Father and Mother. In this inn the Shoe-servants could obtain a meal for two *groschen* (2½*d.*), and a night's lodging for four *pfennige* (about a halfpenny). Work was also found for him here; and no wandering Shoe-servant was allowed to enter the service of a master before he had been at the inn. The fraternity was governed by the whole body of Shoe-servants, who met every fortnight for this purpose. Religious service was held before every meeting. All Shoe-servants had to attend the meeting, with the exception of masters' sons who worked with their own father; for as they were not obliged to travel, the chief object of the fraternity did not concern them. But masters' sons who did not work with their father were obliged to appear. Those who came late were fined. Two elders presided at the meetings. But no meetings could take place, no regulations could be framed, and no decisions come to without the

[1] See the *Reformation guter Polizei*, just mentioned, and *Conclusum Imperii*, 1731, § 7.

[2] Berlepsch, vol. iv. pp. 67–72.

[3] The German word is "Schuhknechte," i. e. shoe-servants. The journeymen Shoemakers were thus called in Germany up to the year 1799, when, at Nürnberg, they first got to be called "Geselle" (Berlepsch, vol. iv. p. 67).

[4] For the identical way of naming amongst the French "Compagnonnage," compare Simon, *Étude sur le Compagnonnage*, p. 154.

presence of the masters' deputies, who were elected annually. The journeymen had also their own box, containing their Articles, their seal, and whatever other documents or valuable effects the fraternity possessed. The box was provided with two, and sometimes with three, locks, the keys of which were kept respectively by one of the elders and one of the masters, so that neither could open the box in the absence of the other. The seal of the journeymen could only be used with the consent of the whole fraternity and the deputed masters. The opened box was the sign that the meeting had begun, just as with the Craft-Gilds. While, therefore, the box was open, all present had to remain with uncovered heads, and during such time all disrespectful conduct, as well as improper clothing, cursing and swearing,—in short, all that showed want of respect,—was severely punished. On the other hand, we find that, whilst the box was open, a social cup was handed round, to the expense of which all had to contribute. One of the elders had to collect this, as well as the other contributions; and in case he neglected this or any other duty, he incurred punishment. The other contributions of the members consisted in one *groschen* (1½*d.*) entrance-fee, in a fortnightly contribution of six *pfennigen* (about three farthings), with one *groschen* (1½*d.*) every quarter. In return the members received support in sickness, for which, however, they had to make repayment if they were restored to health; and in the event of death they were buried at the expense of the fraternity. All journeymen had to attend the funeral; and this was also the case when any member of a master's family died. The Statutes contain, besides, regulations for promoting orderly conduct and good morals among the Shoe-servants. Associating with common women, playing at dice, immoderate drinking, inducing others to drink, gaming, and such-like things, were all punished. No one was allowed to go about the streets except in decent clothes; and all who insulted or calumniated others were also punished.

Much the same were the journeymen fraternities in all trades[1]; except in the Stonemasons', for every individual master stonemason, with his journeymen, formed a fraternity[2]. The societies of the French "compagnons" corresponded to these organizations; except that with them I know nothing of a superintendence by the masters. There were in both the same ceremonies[3]

[1] See Berlepsch, vol. vii. pp. 162–168; vol. ix. pp. 76–89.

[2] Ibid. vol. viii. p. 192.

[3] See in Berlepsch, vol. ii.–ix., the chapters on the journeymen and their customs; also Simon, *Sur le Compagnonnage*, and Agricol Perdiguier, *Le Livre du Compagnonnage*, Paris, 1857.

upon admission, on entering the inn, on meeting together, and so forth; and though these may be partly explained by the intention of the journeymen thus to enhance in their own eyes the importance of their state, so rich in toil, yet these ceremonies must nevertheless be considered to a great extent as absolutely absurd. As neglect of these formalities was severely punished by the journeymen, they drew down upon themselves severe enactments from the German Imperial Legislature[1]; and in France the *Compagnons Cordonniers et Tailleurs* of Paris fell in consequence under the greater excommunication in 1648[2].

Especially interesting too, with regard to modern Trade-Unions, is the Craft-Gilds' practice of punishment by *Schelten*, reviling, i.e. declaring any one infamous[3]. Both master and journeymen were reviled in this manner; and, indeed, on the most silly grounds, as, for example, when any one had killed a cat or touched a dead dog; so also for infringements of Gild principles, as when any one enticed away another's custom. Indeed, whole Gilds imposed such interdicts upon each other. Every Gild and every journeymen's fraternity kept a "black list." In this, as well as in the testimonials of travelling journeymen, the names of the reviled were entered, so that the warning against them spread through the whole country. As soon as the journeymen heard of the occurrence of such a reviling, they turned out of the workshop of the reviled master, or refused to work with the reviled journeyman, until these had made atonement, and were again recognized as honourable by the governing body of the Gild[4]. This reviling was the most severe punishment that the Gilds could inflict on refractory members; and though the strike was not then a legal means of coercion—for the Imperial laws were violently opposed to it—yet this shows that it was at least recognized as such by the employers[5].

But frequently—as, for example, when the Gild omitted to

[1] *Conclusum Imperii*, 1731, § 9. [2] Simon, *Sur le Compagnonnage*, p. 74.

[3] In the early Middle Ages every creditor used to revile thus his debtor on non-fulfilment of his obligations. See Gengler, *Deutsches Privatrecht*, Erlangen, 1854, p. 198.

[4] Pölitz and Bülau, 1843, vol. i. pp. 359–364.

[5] The possession of still greater power by the journeymen is shown by the contest between the Chapter of the cathedral at Magdeburg and the journeymen Smiths of that city, in the year 1600. The Gild of Smiths at Magdeburg extended also over the surrounding small towns and villages; but the jurisdiction over the masters and journeymen who lived there was exercised, not by the Gild, but by the journeymen Smiths of Magdeburg. This relation was even recognized by the government, and in the contest of 1600 the journeymen compelled it to carry out their wishes, by threatening to leave the workshops and even "to stop the masters' hammer." Indeed, the Chapter was obliged to pay them a fine of a hundred thalers. Pölitz and Bülau, 1843, vol. i. pp. 365–369; printed also in Berlepsch, vol. vii. pp. 72–75.

punish a master who had infringed any of the trade customs of the journeymen, or who in their judgment was not honourable, or when the masters, by means of the local authorities, had carried a resolution which was to be entered in their book of Articles—all the journeymen of a place struck work, and then wrote to the journeymen of other districts, warning them from coming to the places of strike[1]. Such occurrences took place especially at Mayence, Würzburg, Augsburg. The most famous of them, that of the Augsburg Shoe-servants[2] in the year 1726, was in fact the cause of the Imperial decree of 1731, which was directed against this and several other abuses of the handicrafts. The Imperial laws, however, were never carried out, and the decrees of the territorial princes remained ineffectual, since the handicrafts throughout the whole of Germany hung together. Further tumults on the part of the journeymen led at last to the entire suppression of their fraternities. In many parts of Germany, however, they existed till the present century[3].

Among all these seditions, though, I do not know one which had its origin in disputes about wages. It was rather presumed infringements of privileges, innovations in trade customs and the like, which always produced the uprising. In France, it is true, we already find strikes on account of wages[4]. On the whole, however, these situations show a tolerable understanding between master and journeymen. The special associations of journeymen are much rather supplements of the Craft-Gild-organization, than confederations directed against the masters: nowhere do we find a trace of opposition against the prevailing trade-system, as such, like we see in the quarrels between our Trade-Unions and their employers; the old disagreements seem merely like family disputes between parents and children.

But while in Germany and France the working-class was thus completely organized, and even to a certain degree governed itself under the superintendence of the masters, we must ask whether a similar state of things did not exist among English working-men? The "Acte towchinge Victuallers and Handycraftmen," 2nd and 3rd Edw. VI. c. 15 (1549), forbids, it is true,—jointly with the conspiracies and covins of the sellers of victuals "to sell their victuals at unreasonable prices,"—all "confederacies and promises of the artificers, handicraftsmen, and labourers; not only that they should not meddle with one another's work, and perform and finish what one hath begun; but also to constitute and appoint how much work they shall do

[1] Berlepsch, vol. iv. p. 77.
[2] Ibid. p. 142.
[3] Weisser's *Recht der Handwerker*, Ulm, 1823, p. 73.
[4] Ouin-Lacroix, pp. 15, 16.

in a day, and what hours and times they shall work;" and, besides, "that they should not make nor do their works but at a certain rate." But all regulations forbidden in this Act recur frequently in the bye-laws of companies; they therefore in no way originated in agreements of workmen only, but as much in those of masters. Moreover, whilst the word "*labourer*" certainly does not refer to the skilled workmen of the crafts, but probably only to labourers in agriculture, the prohibition of confederacies of "*artificers and handicraftsmen*" is directed as much against the masters as against the workmen of the crafts. And the act forbids, in the same breath with the confederacies of the craftsmen in general, all conspiracies of "divers sellers of victuals" for raising prices. This Act, therefore, does not refer at all to combinations similar to those of our working-men of the present day (as is the prevalent explanation), but is simply an attempt to check the increasing abuses of the Craft-Gilds, and this especially in the trades providing for men's daily wants, where such abuses would be felt most severely. This explanation, which is at once proved by a closer examination of the Act itself, is moreover confirmed when the Act is compared with its German counterpart, the Imperial Code of Police of 1577, title 37[1]. This law contains absolutely identical prohibitions; but these apply avowedly as well to the masters as to the workmen of the crafts. But in any case, the 2nd and 3rd Edw. VI. c. 5 refers only to transitory combinations, and the existence of a regular organization of the working-class cannot be inferred from it.

The account in Stow[2] of the rising of the London apprentices, "when some of their *brotherhood* have been unjustly, as they pretended, cast into prison and punished," rather points to the journeymen's fraternities of the Continent. Their outbreaks against the foreigners I have already noticed. In the seventeenth century also they often acted as a body, and expressed their opinion on all religious and political questions of the time[3]. Especially interesting in this place is the fact, that when

[1] *Reichspolizeiordnung*, 1577, tit. 37—Of Crafts in general: "We have also heard as certain, that the craftsmen in their Craft-Gilds, or otherwise, conspire and combine, that no one shall sell his finished labour or work by open sale for more or less than the others; and they thus raise the prices in such sort, that those who need their labour, and wish to buy, must pay at their (the craftsmen's) pleasure, &c. We therefore declare our earnest opinion and desire, that this shall henceforth be in no way suffered by the authorities, but that they shall watch over it: where the crafts offend however against this, they shall be punished by the authorities according to circumstances, without mercy."

[2] Stow, edit. 1720, pp. 332, 333.

[3] See *The Honour of London Apprentices exemplified in a brief Historical Narration*, London, 1647 (Brit. Mus.); further, the account in Godwin's *History of the Commonwealth*, vol. ii. p. 368, "how the apprentices entered Parliament and forced the Speaker and the members to put the question and pass the votes they

Cromwell had abolished the feasts of Christmas, Easter, and Whitsuntide, "and other festivals commonly called holidays," as tending towards superstition, and had introduced the strict puritanical observation of Sunday, the apprentices, who by this "were not only deprived of the benefit of visiting their friends and kindred, but also of all set times of pleasure and lawful recreations," petitioned[1] Parliament for the appointment by law of one day in every month for these purposes; and Parliament thereupon set apart for them the second Tuesday in every month[2]. The masters, as it appears, were in no way pleased at this, and curtailed their apprentices in the enjoyment of their "play-days[3];" whereupon Parliament, on a further petition from the apprentices, ordered that on these fixed play-days all shops should remain closed[4].

In deciding the question whether there existed special organizations of the journeymen within the Crafts, an ordinance of the Clothworkers' Company appears also worthy of consideration: "The Master, Wardens, and Assistants shall choose the warden of the Yeomanry; they shall govern the Yeomanry in such sort as in former times has been used[5]." Were these wardens of the Yeomanry the same as the masters who, as in the German Gilds, were delegated to the fraternities of journeymen? And may we therefrom form a conclusion as to the existence of fraternities of like nature in England? The ceremonies which were customary among the Trade-Unions in the woollen manufacture down to the thirtieth year of the present century, show such a striking similarity to those of the German fraternities of journeymen[6], that the supposition suggests itself of a derivation of those Trade-Unions from the old journeymen fraternities. Yet I willingly admit that in

required;" see also Malcolm's *Anecdotes of the Manners and Customs of London*, 1811, p. 190.

[1] *Two Humble Petitions of the Apprentices of London and parts adjacent, for Lawful Recreations*, &c., London, 1646 (Brit. Mus.)

[2] See the *Ordinances of the Commonwealth*, an. 1647, cap. 81, for abolishing festivals.

[3] See the *Humble Remonstrance of the Apprentices of the City of London*, 1647 (Brit. Mus.)

[4] See the *Ordinances of the Commonwealth*, anno 1647, cap. 83—Daies of recreation allowed unto Scholars, Apprentices, and other Servants.

[5] Herbert, vol. ii. p. 657.

[6] See the customs of the German journeymen in Berlepsch, vols. ii.-ix. The ceremonies of those Trade-Unions I found in a pamphlet avowedly written in the interests of the employers, *Character, Object, and Effects of Trade-Unions*, London, 1834, p. 67. They are again printed in a book by Ward (*Workmen and Wages, at Home and Abroad*, London, 1867, p. 102), plagiarized in the most shameless manner—with a disregard of the passages which even in that pamphlet are favourable to the workman—both from the above, and from another, *On Combinations of Trades*, London, 1831. And this one-sided plagiarism its author then dedicated to Mr. Gladstone!!

default of all other information on such organizations[1], this hypothesis does not appear tenable, unless further proofs should be produced[2], especially as in England the journeymen were never obliged by the Gild-Statutes to travel for a certain number of years, whilst in Germany and France all journeymen's associations owed their origin to this system of travelling.

As to the general position of the workmen in the sixteenth and seventeenth centuries, and especially as to the relations between masters and men, we find from the above ordinances of the English Clothworkers, that "controversies between the livery and their apprentices were to be settled in the old way before the master at the Common Hall," and that "journeymen should make no unlawful assemblies, brotherhoods, congregations, and flockings together." The Gild-Statutes of the sixteenth and seventeenth centuries further ordain regularly, that "no person of the mystery was to hire himself to a person of another mystery, where greater wages were offered; no journeyman should work with any of another fellowship, if he can be set on work by a freeman of his own art;" no member was to suffer his apprentice or servant "to buy and sell to his own use, or that of persons of other mysteries," such practice having brought masters "to an after deale and sore damage." On the other hand, we find a

[1] Since I sent the above to the printer I have found among my extracts a note taken from the *Journals of the House of Commons*, vol. xlix. pp. 322–324, which supplies some further information. According to a Report of a Committee of the House in 1794, on Petitions of the Woolcombers complaining of the use of the "Gig-mill," there existed then a club among the Woolcombers. Out of a hundred workmen there was not one to be found who did not belong to it. Every member had to pay contributions according to the wants of the society. Its object was to assist journeymen travelling in search of work, when work was scarce, and to relieve the sick and to bury the dead members. Everybody wishing to get relief must be in possession of testimonials of the society as to his proper conduct as a Woolcomber and as to his honesty. Whoever deceived the society lost his claims to such testimonials and to relief from the funds. The objects of this club, it is seen, were the same as those of the German *Gesellenladen* and the French *compagnons*. If we add to this, that the just-quoted records of ceremonies among Trade-Unions refer to Woolcombers also, the suggestion made in the text seems greatly corroborated. The fact that the modern Trade-Unions call the assistance given to members out of work simply "donation," the translation of the "Geschenk" of the German journeymen's fraternities, seems also worth noticing. There is however one difference to be noted. The said Woolcombers travelled only when work was scarce, while the "wandering" of the German, and the *Tour de France* of the French journeymen, were obligatory. This, as well as the date, make me therefore inclined to consider this Woolcombers' Club as a Trade-Union for assisting men thrown out of work by the Gig-mill, which may perhaps, however, have descended from an old journeymen's fraternity.

[2] It is remarkable that whilst there exists a rich German literature from the seventeenth century on Craft-Gilds, and especially on the position of the workmen in these Gilds, nothing on this subject is to be found in England. Most of the authors who have written on it in Germany were professors of universities or students, who had to write a dissertation in order to take their degrees.

series of regulations, of which the maintenance became in later times the main object of Trade-Unions. "No person was to exercise the trade, who had not served an apprenticeship of seven years, or been instructed by his father for that term;" no member was to instruct anybody in the trade, except his male children and apprentices regularly bound; no member was to employ any workman except he were free of the company; no journeyman was to work with a non-member. Further, "None shall lend out or put forth any of his apprentices to work with any other, because it will hinder and take away the living of free journeymen; no foreigner shall be employed before a free journeyman; no householder shall keep above two apprentices at one time, except he employ a journeyman freeman, and then he may keep three; every master, warden, and assistant may keep three;" or as in Sheffield, "No person to have more than one apprentice in his service at one time, nor to engage another before the former be in his last year, nor take any for a less term than seven years [1]." Besides, other accounts of the seventeenth century show that, in the trades in which these restrictions were not maintained—either because they were not corporate, or because the 5th Eliz. c. 4 did not apply to them, or because the regulations of the Gild or the Statute were not observed—the workmen, in consequence of the abuses practised by their employers, had fallen into the very hardships for the prevention of which the Trade-Unions in the eighteenth and nineteenth centuries have striven to maintain those old regulations [2].

[1] See Herbert, vol. ii pp. 656, 657, and vol. i. p. 191; also Hunter's *History of Sheffield*, p. 119, and *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

[2] See "The Case and Proposals of the Free Journeymen Printers in and about London, humbly submitted to consideration. Licensed Oct. 23, 1666." "Whereas there are at this present in and about the City of London, to the number of a hundred and forty Workmen Printers, or thereabouts, who have served seven years to the art of Printing, under lawful Master Printers, and are reduced to great necessity and temptations for want of lawful Imployment, occasioned partly by supernumerary Apprentices and Turn-overs, which have increased the number almost to twice as many on the whole, as would be sufficient to discharge all the publick and lawful work of the kingdom, The Workmen Printers above-mentioned, &c. propose: 1. That no Forreigners (that is to say) such an one as has not served seven years to the art of Printing, under a lawful Master Printer, as an Apprentice, may be entertained and employed by any Master Printer for the time to come. 2. That a provision may be made to hinder the increase of Apprentices and a limitation appointed as to the number, &c. 3. That no Turn-overs be received by any Master Printer, but from a Master Printer; and that no Master Printer turning over any Apprentice to another Master Printer may be permitted to take any other Apprentice in his place, till the full time of the said Apprentice so turned over be expired: for otherwise, the restraint and limitation of Apprentices will be evaded, and the number supplied by Turn-overs," &c. (British Museum.) Compare also the preamble of "An Act for the good order and government of the Makers of Knives, &c. and other Cutlery Wares in Hallamshire, in the county of York, and parts near adjoining" (21 Jac. I. 1624).

As the Craft-Gilds everywhere had sunk down to mere societies for the investment of capital, and as their dividends depended entirely on the exclusion of competition, it was unavoidable that the spirit of gain should lead them to restrictions which became always more oppressive for the public. The annoyances they caused were considerably increased by a process which, after the sixteenth century, was of frequent occurrence in all countries: those Craft-Gilds namely, which had hitherto comprised kindred crafts, split up into several, according to the individual trades. These then watched each other with the utmost jealousy in order to prevent encroachments on their mutual rights, and continually fought each other in endless lawsuits. Thus, for instance, the Fletchers and Bowyers in London separated themselves into two corporations in the reign of Elizabeth[1]. One might wonder that, on the one hand, the workmen, whose position was so much deteriorated by the degeneration of the Craft-Gilds, did not at once overthrow their dominion, as the Craft-Gilds had formerly superseded the degenerated Gilds of the patricians (pp. cx, cxi above); and that, on the other hand, the State did not, in the interest of the public, take any steps towards the abolition of the Gilds, which had already been desired so often. But as to the working-men, though their position, and especially their prospects, had been greatly deteriorated by this degeneration of the Craft-Gilds, their interest was rather a reformation, than the abolition, of those bodies. The Craft-Gilds maintained a number of regulations, which protected the working-men, and in consequence of which their material position appears comfortable and free from cares, if compared with that of the factory hands at the beginning of this century, when these regulations no longer existed. Uprisings of working-men are therefore to be found in those days only in consequence of infringements of Gild-regulations. But as for a reformation of the Craft-Gilds according to the interests of the working-men, the latter were not powerful enough to carry it out against their masters. These still held strongly together in their Gilds, and did not yet, as in later times (and as formerly the patricians), rival each other in weakening competition. The State also had changed, and no longer consisted, as before, of an organization of many smaller states. As, after the sixteenth century, the State became in all countries continually more centralized by its kings, it was not possible for the journeymen to act with the same facility as the craftsmen had acted in former times in the towns. More-

[1] See Herbert, vol. i. p. 175.

over, owing to the men's isolated method of working, they had not yet acquired the same feeling of solidarity, or the same consciousness of the power of masses, as our factory hands since have. And as to the State abolishing the Craft-Gilds—kings used the bourgeoisie as a support; first, as Henry VII. in England against the nobility[1]; and then, because they needed them for pecuniary reasons. The capitalists had yet to attain the same dominion in the State, which in the fourteenth century they had obtained in the towns.

The first loan to the kings by the Gilds in England was made to Henry VIII.[2] in 1544. Thereupon followed, under the pretence of a holy zeal for the purity of religion, the most shameless confiscation of the whole property of the Craft-Gilds in favour of the king's private purse, by 37th Henry VIII. c. 4, and 1st Edward VI. c. 14—for the donations of which this property consisted had always in Roman-Catholic times been charged with yearly payments for supporting chantries for the souls of the respective donors. The corporations of London had to redeem their property with £18,700. From this period the extracting of money from the trading corporations became a regular source of supply to Government. In most manifold ways Elizabeth, and afterwards James and Charles, contrived to screw out of the Companies their wealth. This was especially managed by the granting of patents for monopolies, and for the oversight and control of different trades, to courtiers, by which the public suffered quite as much as the Companies. During the Civil War too, and the Commonwealth, the Companies had to suffer great exactions and oppressions[3].

But the causes of the overthrow of the Craft-Gilds arose in the bourgeoisie itself. These causes were, the rise of large capital, and its investment in manufacture. The 2nd and 3rd Philip and Mary already indicates the commencement. After stating that "the rich clothiers do oppress the weavers, some by setting up and keeping in their houses divers looms, and maintaining them by journeymen and other persons unskilful; some by engrossing of looms into their hands, and letting them out at such unreasonable rents as the poor artificers are not able to maintain themselves by, and much less their wives and families; some again by giving much less wages for the workmanship of cloth than in times past, whereby they are forced utterly to forsake their occupations, &c.; it is enacted that no clothier, living out of a city, burgh, or market-town, shall keep more than two looms, nor more than two apprentices," &c. In short,

[1] See Herbert, vol. i. p. 109. [2] Ibid. p. 112. [3] Ibid. p. 113, &c.

the Act endeavours to protect the small masters against the competition of the rich capitalists. But neither this Act nor all the other attempts of the corporations could restrain the process of development, which, especially in consequence of a series of technical discoveries, threw manufacture altogether into the hands of the large capitalists. Handicrafts, and the corporations together with them, lost continually in importance, and only made themselves hated and despised in their endeavour to arrest the natural progress of events. I need not enter into the details of these excesses of the Craft-Gilds; for as the merits of the following system consisted chiefly in these faults of the former, and as in consequence of this peculiar kind of merits the followers of the new era were not restrained by modesty from self-praise, the Craft-Gilds' faults are universally known [1]. These excesses caused the removal of the trades carried on under the new system, to places free from the influence of corporate control. Birmingham, Manchester, and other places of kindred note, owe to this their career of prosperity, which was soon to leave the ancient cities and boroughs far behind. The competition of the Great-Industry rising in the new cities deprived the old corporations of their real essence, by making the attainment of their chief objects illusory, and thus turned them into mere empty shadows of their previous grandeur. In France the sovereign people finally swept the corporations away in the night of the 4th August, 1789. In Germany, several bureaucratic enactments brought them piecemeal to death, and the last remnants were destroyed by the North German Industrial Code of 1869. In England they died out gradually before the newly-rising Great-Industry; and all that remains of the ancient Gilds in the Livery-companies of to-day, is the common eating and drinking.

Yet in England there grew up successors to the old Gilds, in the Trade-Unions of working-men, which, like the first Gilds of the old freemen, sprang up as a defence against the great capitalists, who, like ever the strong, competed with each other at the expense of the weak.

[1] See however the account of the London Framework-knitters' Company in Part V.

V. THE ORIGIN OF TRADE-UNIONS.

TRADE-UNIONS are the successors of the old Gilds. With this assertion I concluded the foregoing part of this Essay. It is far from being a new statement. On the contrary, friends and enemies of these associations have repeatedly, in words and print, pointed at their connection with the old Gilds, the former to justify, by this pedigree, their existence, the latter to condemn them at once by describing them as continuations of institutions considered for long, and generally, at best as antiquated. Their enemies, by the dodge of applying to them the epithet of "long-condemned associations for the restriction of trade," generally dispensed with all further inquiries into the real results of their working.

Indeed, every reader of the foregoing pages who has ever made himself familiar with the rules of a Trade-Society, or with one of the numerous blue-books inquiring into the organization of Trade-Societies, must grant at once their similarity to the Craft-Gilds. But notwithstanding this striking likeness, and the numberless writings on the subject of Trade-Unions, nobody has yet inquired historically how these Unions originated [1], and how far they may really be considered as the descendants of the old Gilds. All opinions on this point which I have yet met with are vague, and, as I am obliged to say, far from corresponding with the reality. The most plausible theory is expounded by Mr. Ludlow in one of the best papers ever written on Trade-Unions [2]. According to his idea, the first Trade-Unions originated in the capitalist-masters withdrawing from the Craft-Gild, so as "to confine it to the operative class, so that

[1] Mr. Thornton's chapter *On the Origin of Trades' Unions* (in *The Fortnightly Review*, New Series, vol. ii. p. 688, and in his work *On Labour and its Claims*) bears the same relation to the real origin of Trade-Unions, as Rousseau's *Contrat Social* to the historical origin of States.

[2] *Trade-Societies and the Social Science Association*, in *Macmillan's Magazine*, February and March, 1861.

the Gild would necessarily merge in the Trade-Society." He accordingly says, "The Trade-Society of our days is but the lopsided representative of the old Gild, its dwarfed but lawful heir." For the historical proof of the identity between the two, he refers to Mr. Hill's *Account of Trade-Combinations at Sheffield* [1].

Considering only the rules and restrictions prevailing in the old Craft-Gilds, and comparing them with the regulations which our modern Trade-Associations, existing only among workmen, try to enforce, one might feel inclined to accept this opinion at once. But the fact is, that in no one single instance did such a withdrawing of the masters from the Craft-Gild, leaving it to the workmen alone, ever take place. On the contrary, I think it more probable that the masters generally remained in the corporation, to prevent its bye-laws being enforced against them, and to annihilate its influence. Such, at least, was the case at Sheffield—as I will show further on—or the audience of Mr. Roebuck's declamations against the United States, the still existing Cutler's Company in Hallamshire, would have consisted of the same persons as returned Mr Mundella for Sheffield! Trade-Unions are no lopsided representatives of the old Gilds; they are complete Gilds themselves, as well as the Town-Gilds and Craft-Gilds. And when calling them the successors of the old Gilds, I did not mean to designate them as continuations of the Craft-Gilds, nor do I think that their descent from these now certainly antiquated societies could justify their existence. But if I succeed in proving that wherever we find in a trade the first formation of such unions among the workmen, and if, wherever more detailed records of their origin are extant, we see them arising under the same circumstances and for the same objects as the Frith-Gilds and Craft-Gilds previously arose, that is, under the breaking-up of an old system, and among the men suffering from this disorganization, in order that they may maintain independence and order, I think that this, together with the identity of their organization with that of the Gilds, will not only justify me in calling the Trade-Unions the successors of the latter, but will justify as well the existence of the Unions, as I shall then have proved that certain circumstances of disorganization, if unchecked by stronger restrictions [2], call forth necessarily in

[1] *Trades' Societies and Strikes. Report of the Committee on Trades' Societies appointed by the Social Science Association*, London, 1860, p. 521.

[2] The want of a similar growth of Trade-Societies on the Continent must be accounted for by the military sway prevailing there at the end of the eighteenth and the beginning of the nineteenth century, which suppressed all kinds of meetings and unions, and by the absence of a similar disorganization of trade to that which prevailed at that time in England.

all times the same organizations into Gilds. Indeed, in our time of physical and economical law-making, one might call this a historical law.

Our inquiry makes it necessary that we should first of all represent to ourselves the regulations of the Statute of Apprentices, the 5th Elizabeth, c. 4, which codified the order existing for centuries among the Craft-Gilds, and applied it to all the trades of its time. There were indeed combinations and associations similar to Trade-Societies already before 1562. But, as I have shown in Part IV., they were but exceptions, occurring chiefly in the building-trades [1]. And the very fact of their occurring in the building-trades in the Middle Ages, is another proof of the justness of the theory which I am going to put forward in these pages; for these trades resembled entirely our modern manufactures, with their small number of masters and their masses of workmen, with sub-contractors, and deductions from wages. And as to the 2nd and 3rd Edw. VI. c. 15, it has been shown above [2] that this statute refers, not to associations of journeymen like our Trade-Societies, but to the abuses of craftsmen in general.

According to the 5th Eliz. c. 4, no one could lawfully exercise, either as master or as journeyman, any art, mystery, or manual occupation, except he had been brought up therein seven years, at least, as an apprentice. Every householder dwelling in a city, town-corporate, or market-town, might take apprentices for seven years at least. But only those youths might be taken as apprentices whose parents possessed a certain fortune; and none could be bound but those who were under twenty-one years of age. Whoever had three apprentices must keep one journeyman; and for every other apprentice above three, one other journeyman. As to journeymen, it was enacted that, in most trades, no person should retain a servant under one whole year, and no servant was to depart or be put away but upon a quarter's warning. The hours of work were fixed by the Act to about twelve hours in summer, and from the day-dawn till night in winter. Wages were to be assessed yearly by the justices of the peace or the town-magistrates, at every general Sessions first to be holden after Easter. The same authorities were to settle all disputes between masters and apprentices, and protect the latter. The 1st Jac. I. c. 6 expressly extends this power of the justices and town-magistrates to fix wages, to the wages of all labourers and workmen whatever.

It is evident that, as long as the regulations of the Statute of Apprentices were maintained, the position of the workmen was

[1] See p. cxliv, above.

[2] See pp. clvii, clviii.

secure. The long term of service assured them the regularity of employment, which they desired above everything. The magistrates were, according to the intention of the Act, to assess the wages so as to "yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages;" and the hours of work were not excessive, especially as the manner of carrying on industry was not then so exhaustive as it is now-a-days. Besides, the restrictions as to apprentices prevented a too great competition from lowering the skilled workmen to the level of common labourers. But as Adam Smith[1] tells us, the operation of this statute was limited by interpretation to cities, towns-corporate, and market-towns, and to those trades only which were established in England before the 5th Eliz.

In order to prove my assertion, that the Trade-Unions originated with the non-observance of these regulations, I will now successively consider, first, some of the trades subject to the 5th Eliz. c. 4; then, some of those which were incorporated by charter; and lastly, some which were free from any restrictions, whether by charter or Acts of Parliament.

The woollen manufactures were the old staple trade of England. I have already spoken in Part IV. of the great importance of the Craft-Gilds of the Woollen-weavers; and we have seen how the great number of workmen employed in this trade led them to combine whenever there was a temporary want of sufficient organization[2]. Later on, the trade came under the 5th Eliz. c. 4, and was regulated besides by the 5th and 6th Edw. VI. c. 22 as to the use of machinery, and by the above[3] cited 2nd and 3rd Philip and Mary, c. 11, as to the number of looms which one weaver might have.

According to a report of a Committee of the House of Commons in 1757, the assessment of wages by the justices seems to have fallen into disuse in this trade already before 1720. In that year the justices fixed a rate of wages; but it was not carried out into practice. This want of fixed wages evidently led to oppressions of the workmen by the masters, and induced the men to combine. Accordingly, in 1725 the 12th Geo. I. c. 34 prohibited the combinations of workmen employed in the woollen manufactures; and an Act of the following year ordered the justices once more to fix the rate of wages in this trade. In accordance with this Act, the workmen petitioned the justices in 1756 to fix such rates of wages. But as the masters made a counter-petition, the justices refused to act. The immediate consequence, according to the evidence of a master, was, that

[1] *Wealth of Nations*, Bk. I. ch. x. Part ii.

[2] See pp. cxliii, cxliv, above.

[3] See p. clxiii.

the Weavers revolted, hindered the journeymen who went on working, and drove them from their looms. This master estimates the losses which arose to the country from these riots, at from £15,000 to £20,000. This strike induced the master manufacturers to agree with the workmen, and peace was at once re-established[1]. In the same year the justices were ordered again, by the 29th Geo. II. c. 33, to settle the rates of labour yearly in the woollen manufactures.

But these were mere transitory skirmishes, called forth by individual attempts of the masters to abolish the existing order of things. As, however, this order was still maintained by the legislature, these attempts did not at that time lead to the formation of lasting Trade-Societies. This did not come about till the transition of the woollen manufactures from the domestic to the factory system, and till the attempt of the master manufacturers to get the 5th Eliz. c. 4 repealed. A Parliamentary Report[2] exists which gives almost a photograph of the state of the woollen manufactures at the time of these changes. As it is of importance for the understanding of the origin of Trade-Unions in all trades to have a clear idea of this transition, I will give a detailed account of these changes in the woollen manufactures, and will then deal less fully with the other trades.

The woollen manufactures were carried on in the last century by small masters in their own homes. They dwelt in villages and scattered houses, and often cultivated besides a little land, from three to twelve or fifteen acres. Often too they had a horse to carry their cloth to market, or, in later times, to the public mill. The number of such small masters in the environs of Leeds was estimated in 1806 as 3500.

Every master had served a seven years' apprenticeship. Though the 5th Eliz. c. 4 was not known, either to masters or men, its regulations were maintained, because they corresponded to custom. Thus even in 1806 there were in Harmley, a clothworkers' village of from 4000 to 5000 inhabitants, ninety-seven apprentices bound for seven years, and only four bound for a shorter period.

Each master employed on the average ten journeymen and apprentices. As a rule there was one apprentice to two or three

[1] *Journals of the House of Commons*, vol. xxvii. pp. 730–733.

[2] *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, July 4th, 1806. Every single statement made in the following account in the text can be proved from this report, which I recommend every reader interested in the subject to peruse, as it is one of the most interesting reports I know of.

journeymen. Besides, the master was regularly assisted by his wife and children. Children working with their fathers did not need to be bound by indenture. As a rule, all these persons worked in the master's house, where the wool was worked through all the various stages, till it became undressed cloth, and, if necessary, was dyed. Sometimes also the journeymen did the work in their own houses, and were assisted in it by their wives.

The master himself taught the apprentice his trade. If the latter had the prospect of ever becoming a master himself, he was also taught how to buy raw materials. In this case the master received a premium on taking the apprentice. After the seven years' apprenticeship the apprentice could settle at once as a master; but as a rule he worked first for one or two years as a journeyman. The fact that a young man of good repute could always get credit for as much wool as would enable him to settle as a small master, is especially urged in recommendation of this system. The great stability and regularity of employment appears, however, as its chief advantage. Slackness of trade did not at once stop work in the workshops. The master went on working, although he could not find an immediate sale for his products, and took his wares to the market. The fact is, that he seldom worked to order. Sale in the cloth-halls was the rule. If, then, a sudden stagnation occurred in the foreign market, or a large firm became bankrupt, the losses distributed themselves over a larger surface. They fell on the whole body of manufacturers; and though each individual small master suffered by it, there were but few, if any, whom it ruined. In such extreme cases the small masters also often took work from other small masters, to maintain their families.

Like the trade of the masters, the employment of the journeymen was exceedingly regular. As a rule, journeymen were hired for a year, and had board and washing at their masters'. They received, besides, annual wages of from £8 to £10. There were journeymen who had continually for twenty years and more worked with the same masters. If trade became slack, or there was a stop in the sale, journeymen were not suddenly discharged in masses. Such discharges scarcely ever happened; as a rule, the masters let the men work on in the hope of better times. They considered it a duty to keep, in time of distress, the workmen to whose exertions in good times they owed their wealth. If a master was in want of work for his journeyman, he used to see about for a job for him at another master's; if one could not be got, he was kept on by his old master. "The men and masters," says a master, "were in general so joined together in sentiment, and, if I may be permitted to use the term, love to each other, that

they did not wish to be separated if they could help it." If, on the other hand, a master ever had more orders than he could satisfy, he asked another master to lend him a journeyman[1].

The centres of this organization of trade were the cloth-halls, to which the masters brought their products to market. In Leeds there were two halls, one for white cloth and one for coloured. Similar halls were at Bradford, Halifax, and Huddersfield. There the cloth was examined and measured by the authorities. The two chief cloth-halls at Leeds were under the direction of a certain number of Trustees, who were elected for three years by all the clothworkers of the manufacturing villages, as the most trustworthy and most intelligent of their body. They watched over the general trade interests, and especially the observance of all rules and bye-laws which were framed from time to time for the government of the halls. No clothworker was allowed to bring his wares for sale in these halls, unless he had served a seven years' apprenticeship.

The introduction of machinery brought a change into this state of things. Mills were now erected on rivers and streams, to make use of the fall of the water. Various processes, which had before been chiefly performed by hand under the masters' own roof, were now executed in public mills by machinery. In the neighbourhood of every manufacturing village were several such mills to be found. The manufacturer brought his wares to them with little trouble and loss of time, and fetched them back after they had gone through the necessary process. The cost was but small, so that he was enabled to get by these mills the advantage of very expensive machines. Sometimes too the master himself performed the work by machinery in the mill, in order that it might be well done.

[1] See the *Report* above referred to, p. 8. See, for the passage cited in the text, p. 43. As the statements in the text might be thought by some exaggerated, I will quote some questions and answers from the *Report*. "During the time you were employed by a domestic manufacturer, had you regular work constantly?" "Yes, I had; I never had reason to complain." "Were you constantly employed without reference to masters, or were you sometimes employed and sometimes discharged?"—"I never was discharged; I have been with masters where they were short, and they used to see about for a job for me, and if one could not be got, I was continued." "If the domestic master was short he wished you to pick up another job, if you could get it; if not, he would continue to give you employment?"—"Yes." (p. 117.) "As to the habit of clothiers keeping the persons they employed, you have stated that to be your habit?"—"Yes." "Would it have been possible for you, without evident disadvantage to yourself, to have kept on persons, paying them wages, without deriving any benefit from their work?"—"We consider it as a duty, and there is that good understanding between the employers and the employed, that we should think it a very irksome task to turn off a workman whom we consider as a good and an honest workman." (p. 131.) And again on p. 40: "I scarcely ever knew a man discharged from his master because his master could not give him employment."

In this domestic system of industry the work was chiefly performed by persons who were its proprietors. It was not so in the system of the "rich master clothiers" which arose in the West of England. They bought the foreign wool directly from the importer, and the native in the fleece, or from the wool-stapler. They then gave it to workmen to work up, partly in their own houses, partly in the masters'. For every single process through which the wool had to go until its completion, the masters gave the ware to another class of workers, none of whom went out of his own line. By this the workers obtained great skill in the performance of their operations. As in this system, so also in the system of the master manufacturers which came into existence with the origin of machinery, the workers were not the owners of the work they worked on. The merchants, for the most part possessors of large capitals, now became manufacturers themselves, and erected mills. In one or several buildings they kept more or less operatives working-up by machinery, under the employers' or their overseers' superintendence, the materials belonging to them.

These changes in the manner of carrying on industry led to others in the position of the journeymen. The first change was, that the apprentices were often no longer bound by indenture, though they mostly still served their seven years without it. In the mills, however, it also soon became usual to employ workers who had served no apprenticeship, besides great numbers of women and children; the latter at an earlier age than would have been possible without machinery, and according to the 5th Eliz. c. 4. Their labour was of course much cheaper than that of skilled workmen. The number of employers who had served no apprenticeship increased more and more. Whereas formerly the cloth of no master who had not served a seven years' apprenticeship was admitted to the cloth-halls, the trustees framed in 1796 a new regulation, according to which those manufacturers also were to be admitted who had carried on the trade of a clothworker for only five years. Soon after, all persons were admitted to the cloth-halls without any qualification.

It seems that at the beginning neither masters nor journeymen resisted at once the violation of the old customs and laws. But the employment of great numbers of children, apprentices, and journeymen who had served no apprenticeship, soon took the bread out of the mouths of the Weavers, and this led in 1796 to the formation of a Trade-Society, the so-called *Institution*, among the Clothworkers at Halifax, to prevent people from carrying on the trade in violation of custom and law. They did not know that, according to the 5th Eliz. c. 4, they might proceed in court

against the transgressors of this law, for they were entirely ignorant that this statute existed at all; they only knew the old restrictions as the customary order. Another object of the Institution was the assistance of sick members. When, by the 39th Geo. III. c. 81, in 1799, all such associations were suppressed, and the accumulation of funds by them especially prohibited, the Institution was nevertheless carried on. The only change was, that instead of keeping accumulated funds, the necessary money was levied by subscriptions in each case of want. The Institution included the workmen of several places.

As the new system spread, the greater irregularity of employment was felt more and more by the workmen. Every small fluctuation of trade affected the capital of a single large manufacturer much more than it had formerly affected a multitude of small ones, who had often even not noticed it. Every stop in the sale led at once to a discharge of workmen. Whereas formerly in bad times the small masters had worked on stock, the master-manufacturers avoided the accumulation of stock, and worked only to order. Whilst formerly wages had been settled for the year, now every fluctuation led to reductions of wages. Besides, "the opulent clothiers made it a rule to have one-third more men than they could employ, and then these had to stand still part of their time[1]." At the beginning, on the erection of a mill, the master-manufacturers enticed the workmen by high wages from the service of the domestic clothiers; but then every fluctuation brought reductions of wages and discharges. Whenever such discharged workmen found work again even for less wages at a domestic clothier's, on account of the greater regularity of employment they never wished afterwards to change their place, even for higher wages at the factories[2].

The position of the domestic master-clothiers was also greatly deteriorated by the spread of the factories. With the growth of these, home-work decreased. Many who had been masters sank to be workmen. Many who would formerly have become masters, now remained workmen for ever. They began to fear that the factory system would entirely supplant the domestic, and they therefore supported the workmen in their resistance.

As, in consequence of the 39th and 40th Geo. III. c. 106 (1800), all combinations were severely prohibited, the workmen

[1] *Report*, p. 111.

[2] A journeyman who had formerly worked in a factory, being asked why he works for a small master though at less wages, says: "My reason is, when I have been out of employ, I have gone from house to house to work; and it seldom happens that the smaller clothiers change their men, except in the case of death and sickness. I never could lay hold of such an opportunity before."—*Report*, p. 115.

combined under the cloak of Friendly-Societies. The Report from the Committee on Woollen-Clothiers' Petitions of March 14th, 1803, contains the rules of a Trade-Society which had been begun as a Friendly-Society on Sept. 24th, 1802, and also an advertisement from a newspaper, "calling a meeting of one weaver out of the parish he represents, in order to determine on prosecuting those who unlawfully exercise or follow the trade of a weaver." At the same time we see the Trade-Society already anxious for the morals of the workmen—as before, the old Gilds—for they offer a reward to him who would detect any workman embezzling materials. The chief object of this and similar Trade-Societies was the legal prosecution of transgressors of the 5th Eliz. c. 4, of the 5th and 6th Edw. VI. c. 22, and the 2nd and 3rd Philip and Mary, c. 11.

After several employers had been condemned, first the master-manufacturers of Somersetshire, Wiltshire, and Gloucestershire [1], and afterwards those of Yorkshire [2], petitioned Parliament for the repeal of the last-named statutes. They especially urged the fact, that there were no master-manufacturers, and very few journeymen, who had served a seven years' apprenticeship, and that masses of workmen would become breadless if the 5th Eliz. c. 4 was carried out. Others [3] desired the repeal of the 5th and 6th Edw. VI. c. 22 only, but wished the maintenance of the two other statutes for the protection of the domestic trade, the 27th, 28th, and 32nd sections of the Statute of Apprentices excepted. On these petitions the said laws were in 1803 (43rd Geo. III. c. 136) suspended for one year for the woollen manufactures, and all prosecutions for violating them were stopped. This suspension was renewed in 1804, 1805, 1806, and so forth, until the final repeal of the laws (49th Geo. III. c. 109) in 1809.

After these petitions had been presented to Parliament, the trustees of the cloth-halls at Leeds assembled the clothworkers of the villages which they represented, to agree on counter measures. They signed counter petitions, and appointed agents to support them before Parliament. The necessary moneys were raised by subscriptions. Besides, the trustees prosecuted employers who violated the laws in question. They acted for both masters and men.

But it soon appeared to their constituents, that the trustees did not proceed with sufficient zeal. "When we saw," says a journeyman, "that they did not advance, and as we knew the evils arising therefrom, and that we thereby should become

[1] *Report from the Committee on Woollen-Clothiers' Petition*, March 14th, 1803.
[2] *Report on Yorkshire Woollen Petitions*, May 9th, 1803.
[3] *Report on Woollen-Manufacturers' Petition*, April 24th, 1804.

breadless," the workmen took the affair into their own hands, petitioned Parliament by themselves, and appointed their own agents. They again formed an Institution, about the year 1803. All journeymen belonged to it, and all working in any workshop contributed together to its funds. Even so early as this, contributions are to be found from members of other trades, as from Bricklayers, Carpenters, &c. Many home-working master Clothiers also, and very wealthy ones among them, joined the Institution to push forward affairs before Parliament, as the trustees seemed to give up the concern. It appears from evidence before the Committee, that the Institution spent from £10,000 to £12,000 on petitions to Parliament.

According to the "Rules and Orders of the Clothiers' Community, 1803," the chief object of the Institution was to carry out the legal regulations as to apprentices, in their original purity. But it is declared at the same time that those who till now had carried on the trade contrary to these regulations should continue without molestation. The activity of the society was only to extend to the future. The Rules complain besides, that the abuses which had arisen, especially the large number of hands who had been driven into the trade, had destroyed the mutual dependence between masters and men, and had produced pride and overbearing on the part of the former. Henceforth all apprentices were to be considered unlawful who had not been bound by indenture for seven years. They were to be bound, moreover, at so early an age, that their term would have expired before their majority, as no indenture was binding after their twenty-first year. The only exception was made in the case of a son of a lawful workman who served his father seven years. I must here mention, that with the factory system a new kind of apprentices sprung up, namely, apprentices bound to journeymen; hitherto all had been bound to the master. Nobody, as the Rules further ordain, was to learn two trades at once. In other Rules, workmen of other trades also stated that this regulation of the 37th Edw. III. c. 5 [1] was to be maintained.

To the prosecution of this chief object, the Institution added the assistance of the sick, and of the widows of deceased members, under entirely similar conditions as are still now usual in Trade-Unions. The necessary moneys were collected, in every single case, in the name of the sick, or of the widow of the deceased. In Leeds, the contribution of each member was 1*d.* a week, and at Halifax 3*d.* Twice a year a committee of thirteen was elected by the members at a general meeting, to manage the affairs of

[1] See pp. cxxiii, cxxiv, above.

the Institution. Seven were to form a quorum. Fines were imposed for not accepting office when chosen. On resigning, the committee had to render account of their doings. There were also stewards, who had to provide for the collection of contributions, and the assistance of the sick. Besides, we find here also what we found in the Statutes of all Gilds, from the Gilds of Abbotsbury, Exeter, and Cambridge, namely, that all offences at meetings, by using bad language, ill-behaviour, and the like, should be punished. The committee had the right to alter the rules according to need. If any cause of complaint arose, either as to apprentices or as to some other rule, the men of the workshop were first to inquire into the case, to try and arrange the difficulty. But wherever they did not succeed, the difference was to be brought before the committee, whose decision was to be final.

The masters, however, did not continue long in the Institution. The fact was, that it also assisted men on strike. At one place the workmen of a master-manufacturer quarrelled with him and struck work. The members of the Institution wished to assist them; upon this the masters left the society.

When the master-manufacturers heard that the object of the Institution was to petition Parliament for the maintenance of the 5th Eliz. c. 4, they required their workmen to leave it. On refusing this they were all discharged. The master-manufacturers even entered into combinations for suppressing the Institution, which, strange to say, notwithstanding the 39th and 40th Geo. III. c. 106, was considered allowable by the Parliamentary Committee, though it was hostile to the Institution. On the other hand, the workmen at some places forced the owners of mills who worked for others on hire, to enter their society, as otherwise they declared they would not work for them. They also hindered them from working for such masters as were hostile to the Institution. Once, when a master-manufacturer employed unlawful workers, his journeymen struck work. The rest of the master-manufacturers then promised their colleague assistance, and offered to do his work for him in the meantime. But when they attempted to do this, all their journeymen threatened to leave their factories at once. Finally, the masters signed a contract, according to which they obliged themselves to engage no more workmen for the future, contrary to the 5th Eliz. c. 4.

When, year after year, notwithstanding all petitions of the workmen, the Acts regulating the woollen manufacture were suspended, a factory was burnt down; and in September, 1805, the London Fire Insurance Companies received letters of caution

from workmen, wherein they declared that, as Parliament refused to protect their right, they would do it themselves. Though the Report of the Committee expressly states, that not the Institution, but individuals, must be charged with these nefarious deeds, yet they prove the exasperation prevailing among the workmen. But notwithstanding this exasperation, and the attachment of the journeymen to their Trade-Society, which even then was so great, that as a master said in evidence, if it were prohibited they would rather follow it than the laws of the land, yet this Trade-Society ceased at once, when in Christmas, 1805, the trustees of the cloth-halls again took up the petitions. The workmen at once delivered them all their funds. It is evident from this, that the object of the Institution was nothing but the maintenance of the existing legal and customary regulations of trade. As soon as the State ceased to maintain order, it stepped into its place; and as soon as there was a prospect of a more legitimate authority putting the law into practice, the Institution ceased at once.

The Committee of the House of Commons before which this evidence was taken was, however, not favourable to the cause of the workmen. As ever on such occasions, the followers of the movement were spoken of as "poor deluded wretches," and it was made an especial fault of the Institution, that "its inevitable though gradual result must be the progressive rise of wages among all classes of workmen[1]." The Committee met the petitions for the maintenance of the existing laws with the very naïve consolation, that the advantages of the domestic system were so great, that it could never be supplanted by the factory system; and by referring to the "true principles of commerce which were now so generally understood and acknowledged." But as the Committee recommended in the same breath the maintenance of the laws prohibiting the export of raw materials and machinery, the emigration of skilled workmen to foreign countries, and combinations of journeymen, it seems that they accepted Adam Smith's principles with conditions only. Their reason for advising the repeal of the 5th Eliz. c. 4 appears rather to have been the one uttered by one of the members of the Committee, namely, that its "maintenance would put the determination of the price of labour in the power of those who had the means of working[2]." Indeed, Adam Smith was right in saying, "Whenever the legislature attempts to regulate the differences between masters and workmen, its counsellors are always the masters!"

[1] *Report of* 1806, p. 17.

[2] *Minutes of* 1806, p. 178.

After the repeal of the said statutes (p. clxviii) the combinations among the workmen in the woollen manufactures became chronic.

Earlier than the Trade-Society which the Clothworkers began in 1802 under the cover of a Friendly-Society, the Shipwrights of Liverpool had formed themselves in the last century into a Trade-Society, which was nominally a mere benefit-club[1]. Here too the abuse of employing chiefly apprentices caused the origin of this union. But much earlier than the Trade-Societies in both these trades were those of the Hatters. Besides being under the 5th Eliz. c. 4, the hat-trade was under two Acts of the 8th Eliz. and the 1st Jac. I., which only confirmed the regulations of the Statute of Apprentices expressly for that trade. In this trade prevailed, early in the eighteenth century, the system of carrying on industry by means of sub-contractors (*alias* sweaters), who were called Little Masters. They received the materials from the master-manufacturers, and got them worked up by apprentices only. This led to combinations of the journeymen. From 1772 an extremely vigorous Trade-Society existed among them for maintaining the existing order and providing for the interests of the operatives. As soon as the employers attempted to give work to sub-contractors, they forced them by strikes to take it back. The society was called the *Congress*, was regulated by statutes, and framed bye-laws. All workmen of the trade belonged to it. Every one had to pay a weekly contribution of *2d.* As the workmen thus prevented the masters from employing an excessive number of apprentices, the masters petitioned Parliament in 1777 for the repeal of the legal restrictions as to apprentices, and for prohibitions of combinations of journeymen[2]. Both were granted by the 17th Geo. III. c. 55, which did not however repeal all restrictions, for every master-hatter was to employ one journeyman for every apprentice he might take.

In the Tailors' trade also combinations must have existed early in the eighteenth century, as the 7th Geo. I. c. 13 forbade them. I could, however, find nothing as to the cause of these combinations in the Journals of the House of Commons. But it is probable that here also, as in other trades, as for instance in the woollen manufactures just mentioned, the discontinuance of the legal regulation of wages by the justices of the peace occasioned these combinations. This seems the more probable, as the preamble of the 8th Geo. III. c. 17 speaks of those who by "many subtle devices" tried to evade the regulations of wages by the justices

[1] *Social Science Association's Report on Trade Societies*, p. 480.

[2] *Journals of the House of Commons*, vol. xxvii. pp. 730–733.

according to the 7th Geo. I. c. 13. By these words masters are evidently meant, as the devices of the workmen would have simply been strikes. In any case, however, the combinations of the Tailors seem to have been but transitory, and not to have led to the formation of lasting Trade-Unions. At least, during the entire eighteenth century we hear no more of combinations of journeymen, and not even the 8th Geo. III. c. 17 makes mention of them.

I now turn to the consideration of some trades incorporated by charter.

The trade of Framework-knitting was not yet established in the 5th Eliz.[1] But in the year 1663 Charles II. incorporated "several persons, by the name of Master, Warden, Assistants, and Society, of the Art and Mystery of Framework-knitters, of the Cities of London and Westminster, the Kingdom of England and Dominion of Wales, for ever, with power to exercise their jurisdiction throughout England and Wales; and from time to time to make Bye-laws for the regulation of the said business of Framework-knitting, and to punish persons who should offend against such Bye-laws." By § 33 of the Charter[2] the Master was directed to "enforce the statute of the 5th Eliz. c. 4, or any other statute as respects apprentices and the occupations of the trade."

By this ordinance of the Charter, therefore, the 5th Eliz. c. 4 had authority also over this trade. But evidently the Charter was not of the same effect as the Statute of Apprentices would have been, if it had had direct authority over the trade. The execution of the ordinances of the Charter depended on the Master and Wardens of the Company, that is, on the good-will of employers. As early as the beginning of the eighteenth century the masters employed apprentices in unlimited numbers, often in the proportion of ten and more apprentices to one journeyman; and there is even a man mentioned who had for thirty years employed constantly twenty-five apprentices to one journeyman. Indeed, this abuse of the want of fixed legal restrictions cannot surprise us, for besides the less wages to be paid to an apprentice, the parishes often paid bounties to the amount of £5 for every boy taken from the workhouse[3].

By this system the adult workers immediately after the expiration of their apprenticeship fell into deep misery. They

[1] Felkin's *History of the Machine-wrought Hosiery and Lace Manufactures*, London, 1867, pp. 71, 75.

[2] See the Charter in the *Report from the Committee on Framework-knitters' Petitions*, 1812, p. 49.

[3] Felkin, p. 75.

therefore, in 1710, petitioned the Company to carry out the regulations of the Charter with regard to apprentices. But the Company refused. This was followed by a riot of the workmen; they destroyed about 100 frames, threw them out of the windows, and thrashed the opposing masters and their apprentices. The frightened masters gave in, and promised to observe for the future the ordinances of the Charter with regard to apprentices. But as the system of parish apprentices was continued, the trade, notwithstanding this promise, was so overstocked with lawful journeymen without employment, that the most serious seditions ensued. The extent to which they went may be seen from the fact that in 1727 an Act was passed, prohibiting under penalty of death the breaking of frames, which was the men's chief way of revenging themselves on their masters[1]. The overstocking of the trade with breadless parish apprentices who had served their term, brought them, in the years 1740 to 1750, near to starvation, according to Mr. Felkin's[2] account. "There was often only one coat in a shop, which was worn by each in turn[3], as he went out from its precincts; so that one Moss, a Northamptonshire master, refused to employ a man possessed of a good coat, declaring the best workmen were only to be found in ragged ones."

On May 22, 1745, the Company ordained new bye-laws[4], which were confirmed by the Lord Chancellor in accordance with the 19th Henry VII. c. 7. They enacted once more the old restrictions as to apprentices. Besides, these bye-laws contain the first direct news of the practice which was to bring such infinite misery on the workmen, namely, of owners of frames who, though they did not themselves exercise the trade, let frames out on hire[5]. This is the first intimation of mere capitalist-employers. But when the Company did nothing further but attempt to enforce its authority in favour of the London employers throughout the whole country, this led to the entire loss of its influence.

When, at the beginning and in the middle of the eighteenth century, the trade retired more and more from London to Nottingham, the Company sent its deputies there to maintain its privileges. But the Nottingham manufacturers did not acknowledge them. They were already employers of the modern style; they had (for the most part) not served a seven years' apprenticeship themselves, and employed unlawful workers, such

[1] Felkin, pp. 73, 227–229.
[2] Ibid. p. 82.
[3] Among the London tailors such a coat is called a "reliever."
[4] *Journals of the House of Commons*, vol. xxvi. pp. 790–794.
[5] See Felkin, p. 79.

as journeymen who had not served their legal term or did not belong to the Company, as well as women and children; of two employers, we are even told that the one worked with twenty-three, the other with forty-nine, apprentices, without employing any journeymen. The Company relying on its Ordinances confirmed by the Lord Chancellor, threatened to enforce these masters' submission at law. But then its former conduct towards the petitions of the journeymen in 1710, and its own degeneration, were revenged upon itself. The retort on it was that its members did not themselves maintain the seven years' apprenticeship as a qualification of trade,—that they had themselves given up the requisite of a masterpiece,—and that instead of preventing frauds they rather committed them themselves. The fact is, that the London manufacturers were quite as much modern employers as those of Nottingham, and their whole proceeding appears nothing but a trick arising from envy. The workmen, however, hailed with joy the proceedings of the Company. The Company also addressed the men especially, asked them to join them, made easier for them the conditions of entrance, promised the re-establishment of the old order, and designated themselves as the true friends of the workmen, whilst they called their other employers their enemies [1]. The master-manufacturers, threatened with lawsuits by the Company, petitioned Parliament and accused the Company of ruining the trade by monopolies. As Parliament was of the same opinion, the Company became unable to enforce its bye-laws legally, and therefore ceased henceforth to exercise a real influence over the trade [2].

Notwithstanding the enormous rise of framework-knitting in the period from 1750 to 1780, the workmen—as Mr. Felkin says—but slowly, partially, and indirectly profited by it. The trade suffered under the constant influx of boys, girls, and non-freed workmen. Whilst these abuses had hitherto produced only violent transitory revolts, they then—when all hope in the efficiency of the Company had been finally destroyed—led to the formation of a Trade-Union of the workmen. Thus arose the Stocking-makers' Association for Mutual Protection in the Midland Counties of England, for the purpose of making regulations as to apprentices, inasmuch as a legal order was wanting. This body soon became so powerful in Nottingham that it influenced the elections for Parliament, and even made them. Mr. Abel Smith was thus returned without opposition in 1778, when the members of this Association marched in procession before his chair, accompanied by two assistants, the clerk, and other

[1] *Journals, &c.*, vol. xxvi. p. 794.

[2] Felkin, pp. 79, 80.

deputies of the London Framework-knitters Company. "This formerly authoritative body had," as Mr. Felkin says, "another opportunity thus given them, by wise and timely measures, to have rendered themselves useful between the master-hosiers and their discontented workmen. The novelty of high rents exacted for frames, with other charges, had not yet settled into a legalized custom; the best of the journeymen and wisest of the masters might have been conciliated, and the Charter revived; but the time was wasted in squabbles about fees, and the Company lost almost its last hold on the trade[1]."

As the complete abandonment of the workmen to the discretion of the employers plunged them, notwithstanding the flourishing state of the trade, into the greatest misery, they petitioned the House of Commons in 1778 for a legal regulation of the rate of wages. In consequence of low wages, the payment of frame-rents, and other charges of the employers, they were, according to their statement, unable to maintain themselves and their families. As the master-hosiers made a counter-petition, a Committee was appointed to inquire into the complaints of the workmen. The witnesses examined confirmed the justice of the journeymen's statements in an alarming manner. The earnings of a workman were affirmed to be about 6*s*. a week. Besides, there were the most infamous exactions on the part of the employers. According to the evidence of an examined master, many of them hired workmen without giving them sufficient employment, for the mere purpose of obtaining frame-rents[2]. But notwithstanding the Report of the Committee, the influence of the masters prevailed, and the motion for enacting a law according to the petition remained in the minority. On this the employers in the silk branch of the trade attempted at once to reduce the prices paid for the work 25 per cent., and a strike was the immediate result[3].

On the 2nd of February, 1779, the Framework-knitters of Nottingham and the environs again petitioned the House for the regulation of the trade of framework-knitting. This petition was followed by similar ones from Tewkesbury, Godalming, Derby, London, Westminster, and Northampton. Witnesses from all these places were examined by a Committee[4]. The shameless exactions on the workmen by their masters unveiled by this Committee find their equal only in the articles of the

[1] See for these statements Felkin, pp. 115–117.
[2] *Journals of the House of Commons*, vol. xxxvi. pp. 635, 728, 740–742.
[3] Felkin, pp. 115–117.
[4] *Journals of the House of Commons*, vol. xxxvii. pp. 117, 295, 301, 370–372.

Morning Chronicle[1] in 1849, on the position of the London Tailors, and their oppressions by Sweaters. According to the evidence of all witnesses examined, wages had constantly fallen during the then last twenty years, whilst the prices of food had risen. The employers had always endeavoured to reduce wages. After various deductions—which the workmen had to submit to—for frame-rent, winding, seaming, needles, candles, &c., their wages are stated as 6*s.* or 8*s.* weekly. Numbers of workmen could not even earn as much. The most disgraceful abuse was carried on as to frame-rents. The value of a frame is stated as £6 or £8. But for its use the workmen had to pay rents from 1*s.* 3*d.* to 2*s.* a week, that is, up to 86 per cent. The workmen were obliged to hire these frames, if they wished to get work; if a workman had himself a frame, he was refused work. This rent the workmen had to pay whether they worked or not, even during their sickness, for Sundays and holidays, or when they had no materials, which the employers had to furnish. Many employers in Nottingham stinted their workmen from making more than a certain number of stockings a week, though they could have made more,—evidently that they might thus be able to deduct the more frame-rent from a certain sum of wages. The workmen had to buy from the employers the materials for making the stockings. The latter then rebought the stockings from the workmen. But they also often left them on the workmen's hands. The workmen, says the Report, were in a state of starvation. They had to submit to any conditions of their employers. A number of workmen who had signed the last year's petition to Parliament had had to leave off work.—The witnesses brought forward the fact that the masters and men at Dublin had agreed on a price list, and that the Lord Mayor had confirmed it; that both parties were there now content, and that the workmen had bettered themselves in consequence of the list, and earned more wages. They desired a Bill fixing prices, which would, as they thought, produce a very wholesome effect.

On this Report the House resolved that a Bill should be introduced for regulating the trade of framework-knitting, and for preventing the frauds and abuses therein. Mr. Meadows, one of the members for Nottinghamshire, brought in the Bill on May the 10th, 1779. It was strenuously supported by Mr. Robert Smith (afterwards Lord Carrington), who said "the measure was moistened and saturated by the tears of the poor distressed families of framework-knitters[2]." Leave was given to bring in

[1] The numbers of December 14th and 18th. See also *Cheap Clothes and Nasty* by Parson Lot, 1850.

[2] Felkin, pp. 115-117.

the Bill, with only one dissentient voice. Upon this the employers counter-petitioned. They said that if the Bill should become law, this, "from various reasons" (*sic!*), would be most injurious to the petitioners, and to the wholesale merchants in the trade of framework-knitting. A Committee was appointed, which was once more to inquire into the state of the workmen. On the 9th of June they reported that the former statements of the workmen were *true*, and proposed only a few amendments in the Bill. The second reading was carried by twenty-four against twenty-three. But it was thrown out upon the third reading by a majority of fifty-two to eighteen[1]. Indeed, I was wrong in approving above of the saying of Adam Smith, that whenever the Legislature has attempted to regulate the differences between masters and workmen, its counsellors have always been the masters. This statement contains but half the truth. It has also always been the same whenever the Legislature refused such regulation.

Upon the rejection of the Bill, great excitement of the workmen ensued. They crowded to Nottingham, broke the frames of those manufacturers by whose special influence the Bill had been lost—as well as of other employers—threw them out of the windows, burned a house down, and destroyed much property belonging to the employers. More than 300 frames were broken on this occasion. The whole of the employers then promised, if the riots would at once cease, to remove all grievances. On this, peace ensued. Public opinion seems to have been on the side of the journeymen, for the workman accused of having set fire to the house was acquitted. But the employers kept their word badly. They had formed a union of their own. After the ferment had subsided, they issued an address, stating that they would oppose all regulations, whether by charter or Acts of Parliament, as tending to drive the manufacture to France, where workmen were contented with low wages[2].

The grievances of the workmen in the trade increased more and more. From 1780, in consequence of the system of rent-charge for the use of stocking frames having become fully established, the construction of machinery proceeded very rapidly for the next thirty years. The cost bore so small a proportion to the rent, as to induce many persons not in the trade to purchase frames[3]. On this came a vast increase in the number of apprentices. Mr. Felkin mentions an instance of a father and son in Nottingham having, in 1810, twenty-four apprentices; and two framework-knitters at Hinchley having 100 between them.

[1] *Journals of the House of Commons*, vol. xxxvii. pp. 386, 396, 421, 441.
[2] Felkin, pp. 117, 227–229.
[3] Ibid. p. 117.

The whole district was accordingly in a constant state of riot. In their distress the workmen turned their attention once more to the powers entrusted to the chartered London Company, and sought its intervention for their relief. But it was then too late for its action. The Company proceeded, indeed, at law against a manufacturer for taking apprentices in violation of the bye-laws of the Company, but the manufacturer was condemned in 1*s.* damages only. As wages became more and more dependent on the discretion of the employers, the workmen again applied in 1812 to Parliament to enforce payment by statement-lists. But though a Bill embodying such clauses passed the Commons, the appeal was unsuccessful in the Lords. On this the workmen in all the branches of the trade entered into union in 1814[1]. Since then, until the time of Mr. Mundella, attempts to fix statement-lists of prices have changed with strikes, when these were violated by the masters, and with unsuccessful applications to Parliament for laws regulating the trade.

To mention another incorporated trade, I take the Cutlers in Sheffield. Already before 1790 the masters there must have attempted to violate the customary restrictions as to apprentices; and they were probably hindered in this by the journeymen. But far from withdrawing from the corporation, they complained of these restrictions in 1790 to Parliament, and petitioned for alleviations in the bye-laws of the Company[2]. These were granted in an Act of June the 7th, 1791[3]; and forthwith, on the 9th of September of the same year, we find combinations among the Scissor-grinders and other workmen. On the 3rd of April following the Scissor-smiths' Benefit Society was formed. According to Mr. Hill's account[4], it was a Trade-Society to oppose the actions of the employers, which probably took the shape of a Friendly-Society to evade the 39th and 40th Geo. III. chap. 106.

The same phenomena which we observed in the trades incorporated by charter, or under the 5th Eliz. chap. 4, recur in those which had been always free from any legal restrictions. Among these was the trade of the Calico-printers[5]. Nevertheless, though the regulations of the 5th Eliz. chap. 4 had no power over this trade, yet they were observed in it as the order sanctioned by the general

[1] Felkin, pp. 435-439 and foll.—The London Company existed till 1835.
[2] *Journals*, vol. xlvi. pp. 11, 12.
[3] *Ibid.* p. 717.
[4] *S. S. A. Rep. on Trades' Societies*, p. 526.
[5] See for the following statements, "Minutes of evidence taken before the Committee, to whom the petition of the several journeymen Calico-Printers and others working in that trade, &c., was referred," July 4, 1804; and the Report from the Committee on these minutes, July 17, 1806.

custom of trade before the introduction of machinery. But simultaneously with the introduction of machinery, about the year 1790, the unlimited employment of apprentices in the place of adult journeymen became general in this trade. And the disproportion between journeymen and apprentices which, not restricted by even the possibility of a legal prosecution, arose in the counties of Lancaster, Derby, Cheshire, and Stafford in England, and in those of Lanark, Renfrew, Dumbarton, Stirling, and Perth in Scotland, surpassed by far that existing in all other trades. In Lancashire there were cases of fifty-five apprentices to two journeymen only; and in the county of Dumbarton cases of sixty to two. These proportions had however been in no way caused by a want of hands from the great rise of the trade after the introduction of machinery. On the contrary, whilst all apprentices were working full time in the factories, the journeymen sought in vain for work. And whenever the state of the trade necessitated a discharge of hands, the journeymen were always discharged first, whilst the apprentices remained fully employed. The reason was rather this, that the masters, by employing apprentices instead of journeymen, saved one-third in wages. And it was not rare "that apprentices were discharged immediately upon the expiration of their apprenticeship, although the work was unfinished, the masters being unwilling to pay them journeymen's wages, even until such work was finished." Against the evil consequences naturally to be apprehended from the comparative unskilfulness of boys, the masters provided, by making at their discretion an adequate deduction from their wages, whenever work was spoilt by the boys. The position of the apprentices was just as precarious as the situation of the journeymen was miserable. The employers declined taking apprentices on indenture, and accepted them only on verbal promises of serving seven years. To enforce the observation of this agreement, they required from the parents of the boy a bond of £50, and also retained a certain part of their earnings—as a rule £10—until the term of apprenticeship agreed to had elapsed. Besides, the apprentices often had to serve from eight to ten years instead of seven; for when at any time the employer had no work for his apprentice, he forced him to serve more than his term for the time in which he had no work. The employer, on the other hand, did not take upon himself any legal obligation whatever towards his apprentices. He could discharge him at will, and very often did so. These apprentices were partly parish apprentices, partly children of workmen, who were forced by their employers by threats of instant dismissal in case of refusal to apprentice their children. And whilst the trade "produced

among the generality of workers a great difficulty of breathing, diseases of the lungs, &c.; whilst their sight was apt to fail them at an early age, and the period of old age very soon reached them," and they thus became unfit for any other employment, they were mostly discharged at once after the expiration of their apprenticeship. There is also evidence as to workers being dismissed immediately on their sight beginning to fail them [1].

This abuse of power on the part of the masters, and their aggressions, especially on the journeymen's customary right of preference to employment, which they had acquired by a regular apprenticeship, led at once, as might be expected, to the formation of Trade-Societies. All journeymen of the trade belonged to this Calico-printers' Trade-Society, as all Clothworkers did to their Institution. At first there were no regular obligatory payments, but all contributed voluntarily to a common fund. From this fund the sick members, and those out of work, were assisted. When such accumulations of funds had been prohibited by the 39th and 40th Geo. III. chap. 106, the Calico-printer Unionists gave each member a ticket. On presenting this, the bearer—like the wandering journeymen in Germany—received a donation from the workers in every workshop he passed. Originally, everybody was free to give what he pleased; but gradually there arose too great a disproportion, as the zealous often gave *6d.*, whilst the lukewarm gave nothing. Then the journeymen were bound to fixed contributions, in England to a halfpenny, in Scotland to *1d.* each. It seems that as the trade developed further, only the more zealous journeymen belonged to the Union, and that thus a closer and more restricted association arose, which no longer comprehended all workers in the trade. Another rule among these workmen which has a certain likeness to those of the German journeymen's fraternities, was, that every apprentice or workman who wished to work in a workshop, had first to apply to the journeymen, before asking the masters for work. The reason was, that if discontent existed, or there was not plenty of work, the employers might not take advantage of the new offer of labour to discharge their journeymen or reduce wages. If new apprentices were taken, a strike ensued. When the journeymen struck work, the apprentices generally went with them, and were assisted during the turn-out by the journeymen. In London and the parts adjacent, however, the most friendly relations existed between masters and men; but it was also shown, on inquiry into fourteen workshops, that the proportion of apprentices to journeymen was only 37 to 216.

[1] Compare Sheridan's speech on these abuses in *Hansard*, vol. ix. pp. 534–537.

These combinations existed until the year 1802, when the journeymen first applied to the House of Commons for redress, and "the moment they found their petition entertained, and felt any ground of hope that their grievances would be fairly considered, all combination ceased, and their reliance for redress was entirely founded upon the justice and liberality of Parliament[1]."

The Committee appointed by the House made an excellent Report on the evidence which it had taken, and warmly recommended measures for the relief of the Calico-printers. The Report dwelt specially on the fact, that the legislation of the then last years for the working-classes "had operated only in favour of the strong and against the weak." "Everything," it says, "is made subservient to the interest of the masters, and exclusively too; for the diminution of expense, considerable as it is, the manufacture arising out of their multiplication of apprentices at reduced wages, and the introduction of machinery, do not appear to have produced any reduction whatever in the price of the fabric to the consumer." Mr. Sheridan brought in a Bill in accordance with this Report, proposing (among other things) to lessen the number of apprentices. Parliament, however, refused the Bill a second reading, especially on a speech of Sir Robert Peel (the father), who opposed it in the name of the master-printers. He was a party to the question, as the evidence shows, for his manufactory at Church Bank, in Lancashire, was as overstocked with apprentices as those of other employers. This refusal caused the revival of Trade-Unions among the journeymen Calico-printers; and it is worth mentioning, that the precarious condition of the apprentices themselves caused them even later on, in 1831, to form a Trade-Society of their own[2], which was to assist and supplement the Trade-Society of the journeymen in their endeavours, just as the journeymen's fraternities of the fifteenth century on the Continent supplemented the Craft-Gilds.

As regards the Cotton-trade, I have not been able to find accounts of the first Trade-Societies among its journeymen. But the following statement about it agrees with what occurred in all other trades, when the exceedingly well-informed author of the essay *On Combinations of Trades* says (p. 15), "that this manufacture, which was of too modern an origin to be obnoxious to the 5th Eliz. c. 4, was never without unions among its artisans." An early organization of the journeymen Cotton-workers may also be inferred from the evidence contained in a Parliamentary Report

[1] The words are Sheridan's. Compare also *Report*, p. 6.

[2] See the account of the Young Society of Block-Printers in Manchester, in the essay *On Combinations of Trades*, pp. 73–76. London, 1831.

of 1811 [1]. It is said there, that for seventy years statement-lists of prices had existed in that trade, which were agreed upon by masters and men, and that they had been given up thirteen years before, by which great misery had been caused to the workmen.

Though the examples mentioned sufficiently prove my assertion as to the origin of Trade-Unions, I will yet give an account of the Trade-Societies in the Silk-manufacture; for the real nature of Trade-Unions comes out nowhere more clearly than here. Already before 1773 the assessment of wages by justices of the peace or by the Lord Mayor had fallen into disuse in the silk-manufacture in London, Westminster, Middlesex, and within the liberties of the Tower of London. In consequence, the competition of employers to undersell each other had lowered the wages of workmen. This led to continual differences as to wages between masters and men. Several deeds of violence were committed by the exasperated workmen, and much property belonging to those employers who would not pay the customary wages was destroyed [2]. Strikes were frequent; and the men on strike were assisted by contributions from all the workmen of the trade. They chose a committee for managing all matters connected with the trade. But when the committee once ordered a levy of 2*d.* for every loom used by a workman, quarrels ensued with the masters, which finally led to the enactment of the 13th Geo. III. c. 68 [3]. According to this Act, the justices of the peace or the Lord Mayor at the above-named places were, from July 1st, 1773—from time to time, after demand so to do had been made to them—to assess the wages of the journeymen in the silk-manufacture. Employers giving more or less than the assessed wages to their workmen, or evading the Act, as well as journeymen entering into combinations to raise wages, were to pay certain fines, the amount of which, after the deduction of the necessary expenses, was to be applied to the relief of needy weavers and their families. By the 32nd Geo. III. c. 44, of the year 1792, these regulations were extended to the manufactories of silk mixed with other materials; and by the 51st Geo. III. c. 7, of 1811, to the female workers in the respective trades. These three Acts were called the Spitalfields Acts.

After the enactment of the first Spitalfields Act, no more strikes

[1] *Report on Petitions of Several Weavers*, June 13th, 1811.

[2] *Minutes of Evidence taken before the Committee to consider of the Several Petitions relating to the Ribbon Weavers*, March 18th, 1818, p. 40.

[3] *Second Report of Minutes of Evidence*, April 20th and 28th, and May 8th, 1818, p. 57.

took place in Spitalfields[1]. Masters and men were unanimous in their praise of the effects of these Acts; and an employer even declared, that in case of their repeal, he would instantly retire from the trade[2]. In the year 1795 a general price-list was fixed in conformity with the 13th Geo. III. c. 68; and this was followed by several others, the last in 1806[3]. The great expenses caused by the publication of these price-lists, amounting sometimes to £300, were defrayed by subscriptions of the workmen[4]. But as all did not contribute to them properly and equally, the men elected in 1805 a "committee of ways and means," which levied contributions according to the number of looms worked on by a journeyman[5]. But as the masters frequently endeavoured to violate the list agreed on before the magistrates, further subscriptions were required, first to assist those workmen who had been discharged for insisting on their lawful wages, until they should again get work, and then for prosecuting in court those masters who violated the law[6]. This led to a confederation of those journeymen who were more zealous for the common weal, into a Trade-Society.

According to its statutes[7], the "Rules to be observed by a few friends called the Good Intent," it had as standing officers only a few collectors of contributions, who were called "The Finance," and, besides, a paid secretary. The entrance-fee was twopence, the weekly contribution a halfpenny. If a member was out of work he received a donation. Yet this case was evidently a rare one, as is proved by the rule of the statutes, that in case of more than one journeyman being out of work, the sum which was to be applied to the assistance of men out of work should not be augmented, but equally distributed between them. This proves therefore, apart from the distinct evidence on the point, that after the enactment of the Spitalfields Acts no more strikes occurred; that strikes were not the object of the society. And indeed, as the journeymen could protect their interests at law, there was no room for strikes. If differences broke out between masters and men, the latter chose a committee *ad hoc*, which was

[1] *Minutes*, p. 40; *Second Report*, p. 194.

[2] If the Spitalfields' Acts should be repealed, "I should in all probability leave the trade, and for this reason: I allude to no individual, but I have sufficient experience of human nature, and I have seen enough to know, that there are many people who would so oppress the poor to get goods manufactured very cheap, that I should not have a disposition to enter into competition with them, and I should in all probability retire from the trade." (*Minutes*, p. 43.)

[3] *Second Report*, p. 188.

[4] *Ibid.* p. 56.

[5] *Ibid.* p. 54.

[6] *Ibid.* pp. 59, 194.

[7] Compare as to this Trade-Society the *Second Report*, pp. 54, 56, 57, 59, 165, 166, 168, 180, 188, 194, 195, 196.

again dissolved after the case had been settled. The journeymen sometimes also elected on this committee masters who had before been workmen themselves, and who, even after their rise, had known how to preserve the confidence of their former associates. This committee prosecuted, in the name of the journeymen, those employers who violated the said Acts. It represented them also whenever a new price-list had to be fixed. In opposition to this society of the journeymen the employers formed another, with the object of defending its members in court when prosecuted by the journeymen. It also represented the masters on the settlement of a new price-list. Whenever such a new price-list was to be fixed, the committees of both societies met; and after an agreement as to the prices had been come to, the committee of the journeymen brought the change, or the new regulation, before the magistrates to receive their sanction. The complaint of the employers, that the magistrates regulated the prices always more according to the statements of the workmen than according to theirs, proves that the journeymen were not badly off under these legal regulations of prices. Sometimes, also, such new regulations led to discussions before the magistrates. But "in most cases," says a master silk-manufacturer, "where a dispute as to the fixing of prices has occasioned a discussion before the magistrates, it has arisen from the contending masters not being operative weavers; there would not then (i. e. if they had been operative weavers) be such disputes as there have been, as the masters were not capable of answering those articles which the journeymen have put them." On the 4th of December, 1813, the journeymen's society consisted of 83 members, and was in possession of £5 8*s*. 11½*d*. In October, 1817, its finances seem to have been embarrassed. It accordingly circulated an address to its members, calling for contributions. This address gives at the same time an account of the society's operations. "Within the last nine months upwards of fifty persons (by means of the Trade-Society) have obtained the lawful prices of their work, which was withheld from them to a very great extent by their employers; the expenses of obtaining which, with other things, have borne so heavy upon your finances, that you are embarrassed to a very large amount."

After a contest of almost a hundred years—for the violations of the 5th Eliz. c. 4 began about the eighteenth century—the master-manufacturers at last obtained the victory in 1814. For the woollen manufacture the Statute of Apprentices had previously been repealed; by the 54th Geo. III. c. 96 the industrial system, which was as old as the Craft-Gilds, was abolished for all trades. Indubitably, the condition of things before this repeal

had become untenable; for whilst the law was nominally in force, it was practically not observed. All agreed, therefore, that a new law had become necessary. But whilst some wished for the amendment of the statute, others desired its entire repeal. Petitions were presented to Parliament by the followers of both views. But whilst 300,000 were for the maintenance of the statute, there were but 2000 for its repeal[1]. A Parliamentary Committee was appointed in 1813 to inquire into the facts of the question. All witnesses examined were against the repeal. The arguments of the workmen brought round to their side even the Chairman of the Committee, who had formerly been little inclined to their views[2]. The workmen's petitions also laid particular stress on the point, that by the thitherto prevailing laws the journeymen lawfully educated for their trade had acquired a right similar to property, and that the repeal of the statute of Elizabeth would be to them what the deprivation of land or any other property would be to owners thitherto protected by the laws[3]. And, indeed, in this the workmen were right. For what else is land but an opportunity of getting an income? and what else had the journeymen acquired by their seven years' apprenticeship, and by the expenses incurred for their education in the trade, but the opportunity of getting an income? and does not our age, which on expropriations pays compensations to landowners for the loss of this opportunity, owe such compensations also to those journeymen; at the least to the amount of the cost incurred by their education to their trades during the seven years required? But we acknowledge only rights of capital, and these only when they are fixed in saleable commodities.

The debates in Parliament on the repeal of the statute show as its enemies, either employers or mere theoreticians, who, with the entire superciliousness of the followers of a still young theory, spoke with contempt of the glorious reign of Queen Elizabeth as of the time when nothing was yet known of the infallible doctrine of the new era[4]. It is remarkable, however, that these enlightened adherents of the new theory differed from Adam Smith in his justification of combinations of workmen[5]. The employers, on the other hand, described this openly as a chief reason for the repeal of the statute, that the seven years' apprenticeship restricted the number of workmen, and thereby enabled them to combine with success against their masters[6].

[1] *Hansard*, vol. xxvii. p. 574. [2] *Ibid.* p. 570.
[3] See *Report from the Committee on the Petitions of Watchmakers of Coventry, &c.*, July 11, 1817, p. 47.
[4] Compare *Hansard*, vol. xxvii. pp. 564, 572, 884.
[5] *Hansard*, vol. xxvii. p. 572. [6] *Ibid.* vol. xxvi. p. 213.

The spirit of the repealers may be seen by the assertion, that "the persons most competent to form regulations with respect to trade were the master-manufacturers[1]." Thus at last the statute was repealed in the interest of the employers.

I am not going to criticise further here the repeal of the 5th Eliz. c. 4, but I may be allowed a word on the dodge of the cry against State or Government interference by which this repeal was carried, and so many other regulations of trade desired by the workmen were refused. It seems to me, on the contrary, that this repeal was an interference; and I can also imagine refusals of such regulations, which would constitute interferences. For what does interference mean? Evidently an unjust meddling with the affairs of another. But what is the State, and what is Government; or rather, what ought they to be? The State is the organization of the people, and Government the natural centre of popular life. When this is really the case, there can be no question of State interference, so long as the State fulfils the will of the people. For nobody who acts according to his own will can be said to interfere with himself. The whole term "State interference" presupposes therefore a condition of the State as it ought not to be; it presupposes a State which is something else than the organization of the people, a government which is not the natural centre of popular life; both, something foreign to the people. And such *was* the State when the 5th Eliz. c. 4 was repealed, and when those regulations of trade were refused. If it had been otherwise, it would not have acted in favour of the 2000 against the interests of the 300,000; and, in the case of those refusals, not against the expressed will of the majority of the interested part of the people. This repeal, and these refusals, were acts of interference on the part of a minority with the wishes of the people. And, indeed, the then existing Parliament did not even nominally represent the latter. This was also shown by the debates on the repeal. A general want of interest prevailed on the deliberation of a law of such grave importance to the life of the people; the House was even counted out[2].

The repeal of the 5th Eliz. c. 4 declared the state of industrial disorganization and disorder as the only lawful state. This state became only too soon the prevailing one in all trades. Parliamentary reports[3] on the condition of the ribbon-trade and the silk-manufacture at Coventry, Nuneaton, and Macclesfield, describe, as the immediate consequence of the repeal, such a

[1] *Hansard*, vol. xxvii. p. 572. [2] *Ibid.* vol. xxviii. p. 14.

[3] See the two above-referred-to *Reports on the State of the Ribbon Trade* (p. clxxxix, notes 1, 2).

growth of the system of sweaters and half-pay apprentices, that the journeymen were driven to famine, and the female workers to prostitution [1]. "Whilst the statute of the 5th Eliz. was in force," says the Report, "the distressing circumstances now complained of never occurred." The whole of the masters and weavers, therefore, petitioned in 1818 for the extension of the Spitalfields Acts to the silk-trade in the said places. Reports of the years 1817 and 1818 give an absolutely identical account of the condition of the Watchmakers at Coventry [2]. Further, as the justices of the peace no longer assessed wages after having heard masters and men, the workmen now endeavoured to introduce regulation of wages by statement-lists of prices, agreed upon by masters and men [3]. But they were violated upon every occasion by the employers. The words which Pitt [4] spoke on the subject of the Arbitration Act were now completely fulfilled. "The time will come," he said, "when manufactures will have been so long established, and the operatives not having any other business to flee to, that it will be in the power of any one man in a town to reduce the wages, and all the other manufacturers must follow. If ever it does arrive at this pitch, Parliament, if it be not then sitting, ought to be called together, and if it cannot redress your grievances, its power is at an end. Tell me not that Parliament cannot—it is omnipotent to protect." The workmen were quite of the opinion of Pitt, and numberless were the petitions which, after 1814, they addressed to Parliament for the legal regulation of their trades. But as Parliament thought it could not redress their grievances, they tried self-help. After the repeal of the Act of Elizabeth combinations and unions therefore arose in all trades. But whilst, on the one hand, the workmen were refused legal protection, self-help, in consequence of the 39th and 40th Geo. III. c. 106, was considered a crime. In 1818, bail to the amount of £200, and two sureties for £100 each, were required for the appearance of a common workman at the next Session to answer a charge of combining [5]. The greatest mischief was, however, that the Combination Laws, by confounding right and wrong, led men to

[1] *Minutes of Evidence on the Ribbon Trade*, March 18, 1818, pp. 5, 24, 33.

[2] *Report from the Committee on the Petitions of Watchmakers at Coventry, &c.*, July 11, 1817; *Report from the Select Committee to consider the Laws relating to Watchmakers*, March 18, 1818.

[3] Compare especially, as to the Silk-weavers of Macclesfield, the *Second Report on the Ribbon Trade* referred to; moreover, the *Report on Petitions of Several Weavers*, June 13, 1811.

[4] I quote from Mr. Maxwell's speech, May 15, 1834, *Hansard*, Third Series, vol. xxiii. p. 1091.

[5] *Report of the Artisans' Committee*, 1824, p. 405.

regard with less aversion things really vicious. The people, in their despair, did not shrink from the greatest deeds of violence and the most infamous crimes, in self-defence. The Combination Laws had deteriorated the character of the people to such a degree, that even after their repeal in 1824 such deeds of violence still occurred, as was disclosed by the Cotton-spinners' trial at Glasgow in 1838; and in several trades the instances descend, as we all know, to the latest times.

I will now briefly sum up the evidence with regard to the origin of Trade-Unions, supplied by this sketch of the condition of the workmen in the several trades during their transition from small to great industry. We see first that the old regulations of trade by the Craft-Gilds and by the 5th Eliz. c. 4—which had originally been ordained in the interest of the public for securing good quality of work—now appear as really framed for the "better relief and comodytie of the poorer sorte." Wherever an alteration of the order established by them occurred, the artisans and small masters were menaced in their secure and well-to-do situation, and the harmony between masters and men was destroyed. And as soon as attempts were made to abolish this order, and legal protection was refused, the men combined for its maintenance. I refer to the instances of the combinations of the Framework-knitters in 1710, of the Clothworkers in 1720 and 1756, and to the London Silk-weavers before the enactment of the Spitalfields Acts. And, indeed, in the time after the repeal of the Statute of Apprentices it was notorious[1] that wherever labour was not regulated by law, or by an order agreed upon by masters and men, combinations of workmen prevailed.

As soon as the disorganization spread and the gravest abuses became general, whilst the prospect of a maintenance of order by the State disappeared, the workmen formed their Trade-Unions against the aggressions of the then rising manufacturing lords, as in earlier times the old freemen formed their Frith-Gilds against the tyranny of medieval magnates, and the free handicraftsmen their Craft-Gilds against the aggressions of the Old-burghers. And like the objects of those Gilds, the object of the Trade-Unions was the maintenance of independence, and of an entire system of order, in a time of industrial and social club-law. The Clothworkers give an example of this. Already, in 1796, the non-observance of the 5th Eliz. c. 4 had become so general in the cloth trade, that the trustees of the cloth-halls at Leeds admitted to them masters who had served no appren-

[1] Compare the *Second Report on the Ribbon Trade of* 1818, p. 60.

ticeship. And in the same year there arose a Trade-Society of workmen for the maintenance of the customary order. Thus also originated the Congress of the Hatters, the Union of the Calico-printers, and the rest of the above-mentioned Trade-Societies.

But these societies arose only when those who had hitherto been obliged to protect the order of the trade refused this protection. Thus the Stocking-makers' Association for Mutual Protection was only formed after the London Framework-knitters' Company had proved itself either unwilling or insufficient to maintain the regulations of the trade. The Clothworkers formed an Institution in 1803 only, when the trustees of the cloth-halls had ceased to perform their duty. But as soon as the trustees again showed themselves ready to fulfil that duty, the Institution was dissolved. And with this agrees Sheridan's account of the combinations of the Calico-printers. The societies themselves also only resorted to self-help to maintain their regulations when legal aid was denied them. Thus Trade-Unions arose in all trades under the 5th of Elizabeth, first, for the legal prosecution of employers who had violated this Act; and, indeed, in the silk-trade the Trade-Society existed merely for the better execution of the Spitalfields Acts. On the other hand, we find incendiarism by the Clothworkers on the suspension of the 5th of Elizabeth, and riots of the Framework-knitters on the refusal of protection by the legislature.

Originally the organization of the Trade-Society comprehended all the workers of a trade in the place: thus was it with the Silk-weavers, with the Calico-printers, with the Institution of the Clothworkers. Likewise the amount of contributions depended originally on the free-will of the members. It is only later that we find closer and more restricted associations among the more zealous, and fixed contributions. As combinations of workmen were prohibited, especially after the 39th and 40th George III. c. 106, Benefit-Societies were frequently made the cloak of Trade-Societies. Such Trade-Societies were the Friendly-Society of the Clothworkers in 180?, the Benefit-Club of the Liverpool Shipwrights, the Scissor-smiths' Benefit-Society at Sheffield: and indeed this was almost the rule until 1824[1]. During the whole of the Middle Ages after Charlemagne, the Political Gilds abroad concealed themselves in like manner under cover of the Religious Gilds[2].

[1] See the ninth resolution of the Committee of the House of Commons in 1824.

[2] See Pertz, vol. i. p. 68, cap. 10. Ouin-Lacroix, pp. 423–425, cites a series of prohibitions of Religious Gilds by councils, kings, and barons, because they were "conjurationes vel conspirationes laicorum, quibus nomen confraternitatis imponunt, impietatem pollicentes sub nomine pietatis."

Mr. Dunning's account of the London Bookbinders' Society shows also that societies first instituted merely for the purpose of "taking a social pint of porter together," changed afterwards into Trade-Societies. Such changes of Friendly-Societies may often have happened. I have pointed in Part IV. to the similar transformations of Religious into Craft-Gilds[1]. If in the times of the Craft-Gilds in England journeymen's Associations had existed there like those on the Continent, there can be no doubt that later on Trade-Unions would also have arisen from those Associations. I have already referred in Part IV.[2] to the different points by which this opinion can be supported. The Trade-Society of the Calico-printers also showed similar regulations to those that prevailed in the German journeymen's Associations.

The rules of Trade-Societies cited in the foregoing pages are still very imperfect. Yet even they show the essence of the Gilds as defined in Part I.[3] Like the oldest Gild-Statutes, they show merely the outlines of an organization. The system is not yet worked out into details. But if one considers the statutes of one of our modern Trade-Unions, as, for instance, those of the Amalgamated Engineers, one finds an organization elaborated into the minutest details, which is very similar to the later Craft-Gilds. It would be very interesting to show from the history of this queen of Trade-Unions, which now (like the Hanse in former times) has its ramifications in all parts of the world, how its organization gradually developed itself in the same phases as that of the old Gilds did. Attempts at General Trade-Associations by the Trade-Unions were also not wanting, quite as vain and short-lived as the German Town-Confederations. I refer to the National Association for the Protection of Labour of 1830, and to the later similar experiment of Thomas Duncombe. It would also be very interesting to show how the workmen, after the disuse of the customary regulations of wages, laboured continually to bring about an orderly condition of wages by statement-lists of prices; how they were constantly opposed in this, on principle, by the employers, who would not suffer restrictions where they considered themselves as alone having rights, until, in consequence of the threatening attitude of the workmen, they have, since the example set by Mr. Mundella, agreed at last to an institution which is nothing but an amended edition of the regulation of wages by the Craft-Gilds[4]. And in some noble instances

[1] See p. cxviii, above. [2] See pp. clix, clx, above. [3] See p. lxvii, above.

[4] See pp. cxxxvi, cxl, note 2, above. It appears from the *Report on the Petitions of Several Weavers*, June 13th, 1811, that statement-lists of prices, agreed on by masters and men, existed early in the eighteenth century in the Cotton-

we already see the return to the sharing of profits with the workmen, as it existed in Bruges before the degeneration of the Craft-Gilds[1]. I believe that to show this would not only produce a "dim" consciousness that "the world is settling into a new order after more or less of disorder[2]," but that it would prove that social order has to a great extent already taken the place of disorder[3]. But to prove this in detail would require special essays which cannot be added here.

I shall be satisfied now if I have proved that the spread of disorder called forth at once in each single trade Gild-like organizations of those suffering by it, to maintain the old order, or to create a new one. I wish only further to point to the fact that the English, among whom the old Gilds probably originated, have in this new movement again preceded all other nations. As each new political era has begun in England—whether they were barons who wrung from King John the *Magna Charta Libertatum*, or the middle-classes who in the seventeenth century obtained here first the dominion in the State—so the era of the working-classes comes first to development on English soil. And as in the earlier Middle Ages from the days of Charlemagne the Frith-Gilds, and in the thirteenth and fourteenth centuries the Craft-Gilds, so now the Trade-Unions will be the great engines for obtaining the sway. Already since 1824 they have enjoyed a kind of recognition; and already they have fought contests quite as fierce as, if not fiercer than, those of the old craftsmen against the patricians. The history of their sufferings since the end of the eighteenth century, and of the privations endured for their independence, is a real record of heroism. It is only to be hoped that now, when they are free from all legal restrictions, they may use only—instead of the arms of violence, which belong to former times—the legal means which belong to our days, and which are thrown open to them by the franchise. May the English working-men, like the English barons and middle-classes in former times, be a bright example in the attainment of freedom to their brethren on the Continent!

trade. About the beginning of this century they fell into disuse. Masters and men therefore petitioned Parliament in 1811 for the appointment of a Committee, consisting of both parties, which from time to time should regulate wages, and which would have been very similar to the boards of arbitration of Mr. Mundella or Mr. Kettle.

[1] See p. cxxxvi, above.

[2] Mr. Congreve in the *Fortnightly Review*, New Series, vol. v. p. 417.

[3] Consider also the account of the Trade-Union of the "Knights of St. Crispin" in Massachusetts in the article in the *Spectator*, Dec. 11, 1869, on "The Workmen's Revolt in Massachusetts."

P.S. Attention may be called to the "History of the Holy Trinity Guild at Sleaford [in Lincolnshire], with an Account of its Miracle-Plays, Religious Mysteries, and Shows, as practised in the Fifteenth Century," &c., by the Rev. G. Oliver, D.D. Lincoln, 1837. 5*s*. The account of the Gild—a Social or Religious Gild—is provokingly meagre, and the amount of talk in the book very great; but it states, at p. 50, that an ancient MS. Compotus Book belonging to the Gild was then in the possession of Dr. Yerburgh, the Vicar; and that it ranges from A.D. 1477 to 1545, when the Gild was dissolved at the Reformation, though two later informal entries in 1585 and 1613 are made in it. I have sent inquiries after this book. Dr. Yerburgh's History of Sleaford may contain further information about this Gild. Dr. Oliver, at p. 52, note 20, states the income of the Sleaford Gild at 80*l*., while that of the three principal Gilds at Boston was less, the Gild of Corpus Christi there being valued at 32*l*., that of the Virgin at 24*l*., and that of St. Peter and St. Paul at 10*l*. 3*s*.—F. J. F.

I.

RETURNS,

IN ENGLISH,

MADE TO THE KING IN COUNCIL,
BY ORDER OF PARLIAMENT,

AS TO

THE ORDINANCES, USAGES, PROPERTIES, &c.

OF

ENGLISH GILDS,

IN THE TWELFTH YEAR OF RICHARD II: A.D. 1389.

FROM THE ORIGINALS,

IN THE

PUBLIC RECORD OFFICE.

THE original of each of the Returns here printed is contained in a separate record. Few of these records are in a good state: many of them are in a very bad state; while in several cases a part has been eaten away, or become otherwise destroyed. The following methods have been therefore adopted, in the hope of making the documents more intelligible, and more convenient for reference.

Some of the original Returns are headed by the name of the place whence they come. In every such case, that name is here put, with the spelling used in the original. Where there is no such heading, the name of the place where the Gild was in fact established is here put, between brackets. And in every case where the Gild had any distinctive name, and that name is not contained in the heading of the original Return, it is here put, between brackets, before the name of the place.

To every heading a note is added, stating where the Return is to be found, among the three Bundles in which, as is fully explained in the Introduction, all these Returns are now kept. The serial number of each Return is given, as this was found marked in pencil in the Bundle, at the time when copies were made for the present work. A statement of the condition in which the original writing is now found is added.

In many cases, although the original record has been eaten or decayed, the sense can nevertheless be made sure of. In such cases, this sense is here given, either in the marginal abstract, and without words inserted in the blank, or by the insertion, in italic type and between brackets, of what seem likely to have been the actual words that are now destroyed. In a very few instances, a single word, accidentally omitted by the writer of the Return, has been inserted between brackets, but not in italics.

In printing these Returns, I have sought, by careful punctuation, and the use of hyphens and other usual modern means, to bring out the sense more clearly. The stops found in the originals are arbitrary, and are usually only the straight stroke, single or double, sloping from right to left. But, as there is no uniformity among these Returns in the manner of using those marks, the adherence to such methods of punctuation would be only confusing to the reader.

I.

[Gild of Garlekhith, London.*]

In þe worship of god almighti oure creator, and hys moder seinte marie, and al halwes, and seint Jame apostle, a fraternitee is bygonne of good men, in þe chirche of seint Jame atte Garlekhith in Londone, þe day of seint Jame, þe ȝer of our lord M.CCC.LXXV., for amendement of her lyues and of her soules, and to noriche more loue bytwene þe bretheren and sustren of þe bretherhede: and eche of hem had sworen on þe bok, to perfourme þe pointȝ vndernethe wryten atte here power.

The gild was begun in 1375, to nourish good fellowship.

ffirst: al þo þt beth, oþer schul be, in þe same bretherhede, þei schul be of good loos, condicions, and beryng, and þt he loue god and holy chirche and his neghbours, as hooly chirche maketh mencion.

All bretheren must be of good repute.

Item, who þt entryth in þe same ffraternite, he schal ȝeue at his entre, to þe comune box,——————————vj.*s.* viij.*d.*

Each shall pay 6*s.* 8*d.* on entry.

Item, þe forsaide bretherhede wil þt þer be wardeins þerof; which wardeins schul gadere þe qwarterage of bretheren and sustren, and trewelich ȝyld here acompt þerof, euery ȝer ones, to þe wardeins þt haue ben to-fore hem of þe bretherhede, wt oþer wysest of þe bretherhede; þe which acompt euery ȝer schal be þe morn after here fest.

There shall be Wardens; who shall gather in the payments, and yield an account thereof yearly.

Also, þe brethren and sustren of þe bretherhede, euery ȝer, shul be cloþed in suyt, and euery man paye for þt he hath.

A livery-suit shall be worn.

Also, þe brethren and sustren of þe bretherhede, at on assent, in suyt byfore sayd, shul euery ȝer come, and hold to-geder, for

The bretheren and sisteren shall hold a yearly feast.

* CCCIX. 6. Condition, fair; but a piece destroyed in the middle.

to norishe more knowelech and loue, a fest; which fest schal be þe soneday after þe day of seint Jame apostle. And euery paye þerto xx.*d.*

Two shillings a year shall be paid by each.

Also, eche broþer of þe bretherhede schal paye, euery 3er, atte foure tymes oþer ones in þe 3er, ij.*s.*, atte firmast to-fore þe day of þe acompt of þe maistres, so þt þe wardeins mowe here acompt 3eld clerelich.

Four meetings, touching the gild's welfare, shall be held in each year.

Also, þe maistres and bretheren to-fore said, euery 3er schul foure tymes come to-geder, at som certein place, to speke touchyng þe profit and ruyl of þe forsaid bretherhede, of peyne of a pond wax to þe bretherhede.

Free gifts by the bretheren.

Also, eche broþer oþer suster þt ben of þe fraternite, 3if he be of power, he schal 3eue somwhat in maintenance of þe bretherhede, what hym lyketh.

Ill-behaved bretheren shall be put out of the gild.

Also, 3if þer be in bretherhede eny riotour, oþer contekour, oþer such by whom þe fraternite myght be ensclaundred, he shal be put out þerof, in-to tyme þt he haue hym amended of þe defautes to-fore said.

No livery-suit shall be sold within a year.

Al[*so,* þ]e brethren and sustren of þe bretherhede þt taken of þe clo[*þes of he*]re suyt, þey ne shul noght do it away wit-in þe [*3er after* þe] takyng.

On death of any, all the rest shall join in the burial service, and make offerings, under penalty.

[*Also, 3if any brot*]her oþer suster of þe bretherhede dye, al þe oþer [*schul comen to þe plac*]ebo and dirige, and in morun atte messe, and offer [*w hem whan þey be warn*]yd, but 3if he may hym excuse reson[*abely, oþer 3if he be*] in seruice of kyng, oþer out of countre, [*of peyne of* 1.*lb.*] of wax to paye to þe forsaide bretherhede.

In case of quarrel, the matter shall be laid before the Wardens.

Also, ne broþer ne s[*uster of þe sai*]d bretherhede ne schal noght debat with oþer. And [*3if it*] be so þt eny debat chaunselich falle among eny of hem, þt god defende, þey beynge in debat shul shawe and come þe cause of her debat to þe wardeins of þe forsaide broþerhede, and þe most wyse þerof: and þe same maistres and breþeren shul do her diligence trewly to redresse it, and make bytwene hem a good acord. And 3if eny be rebelle a3eins þt acord and ordinance, he shal be p[*ut*] out of þe bretherhede, and þe oþer haue his accoun by þe lawe, and þe

Whoever disobeys their award, shall be put out of the gild, and the other shall be helped.

forsaide bretherhede shul be helpyng aȝeins þe rebelle and vn-boxhum.

Also, ȝif eny of þe forsaide broþerhede falle in such meschief þt he hath noght, ne for elde oþer mischief of feblenesse, help hym-self, and haue dwellid in þe bretherhede vij. ȝer, and done þerto alle þe duytes with-in þe tyme; euery wyk aftir, he schal haue, of þe comune box, xiiij.*d.*, terme of his lyf, but he be recouered of hys mischief. Weekly help to all seven-year brethoren, in old age and in sickness,

Also, ȝif any of þe forsaide bretherhede be enpresoned falslich by enme, oþer by fals conspiracie, and haue noght for to fynd hym with, and haue also ben in þe brotherhede vij. ȝer, and done þerto as it is byfore next sayd, he sha[*l*] haue xiiij.*d.* duryng hys enpresonement, euery wyk. and to those wrongfully imprisoned.

Also, þo þt comen here-after to þe bretherhede, as brethren oþer sustren, he shal swere on þe papir, to-fore þe wardeins þerof, for to kepe wel and trewely alle þe poinȝ of þis papir atte here power. New-comers shall swear to keep the ordinances.

Also, ȝif eny of þe brethren of the forsaid Bretherhede be chosen wardein in þe bretherhede, be he in toun oþer out of toun, he shal take þe charge al-sone as he is warned þerof, and do his deuer as a wardein of þe bretherhede ought to dȏ; and ȝif he refuse þe same doyng, he shal paie to þe same bretherhede xl.*s.* Every brother chosen Warden, must serve, or pay 40*s.*

II.

[Gild of St. Katherine, Aldersgate, London.*]

The Wardens of the gild make a return, as asked.

Ricardus Brechford et Reginaldus Swetebon, ciues Londonie, Custodes ffraternitatis Sancte Katerine, fundate in ecclesia Sancti Botulphi in Aldrichesgate, Londonie, veniunt coram concilio domini Regis, in cancellaria sua apud Westmonasterium, videlicet triccsimo die mensis Januarii, anno regni Regis Ricardi secundi duodecimo, et secum ibidem deferunt et apportant, in quodam rotulo scripto, totam formam auctoritate[1], fundacionis, incepcionis, continuacionis, et regiminis, fraternitatis predicte, vt in rotulo huic cedule annexo plenius continetur; facturi et recepturi inde quod per concilium domini Regis ordinari contigerit, juxta formam cujusdam proclamacionis inde facte in ciuitate predicta.

[1] (*sic.*)

These are the ordinances of the gild:—

These ben þe poynt3 and þe articles ordeyned of the bretheren of seint Katerine in the cite of Londone, the whiche is founden in the chirche of seint Botulf with-oute Aldrichesgate.

Oath on entry, and a kiss of love, charity, and peace.

The furste poynt is this, þat whan a brother or a suster schal be resceyued, þat þey schul be swore vpon a book to þe brotherhede, for to holde vp and meyntene þe poynt3 and the articles þat be write after folwynge, eche man to his power, sauynge his estat; and þat euerich brother and suster, in tokenynge of loue, charite, and pes, atte resceyuynge schule kusse eueri other of þo þat be þere.

Weekly help in poverty, old age, sickness, or loss by fire or water, &c.

Also, 3if it so befalle þat any of þe bretherhede falle in pouerte, or be anientised thorw3 elde, þat he may nat helpe hym-self, or thorw3 any other chaunce, thorw fyr or water, theues or syk-

* CCCIX. 9. Condition, fair.

nesse, or any other happes, so it be nat on hym-selue along, thorwȝ his owne wrecchednesse, þat he schal haue, in þe wyke, xiiij.*d.*

Also, þat ȝwhat man is take in to be brother, schal paie to þe almesse, at his entre, as þe maystres and he mowe acorde; and eueri quarter, for to meyntene þe liȝt and þe almesse of þe broþerhede, iij.*d.* And ȝif he haue a wyf, and ȝhe wil be a suster, þan schal he paie six pans for hem bothe in þe quarter, þat is, ij.*s.* in the ȝeer: and ȝif a sengle womman come in to þe broþerhede, paie as a broþer doþ. Payments by bretheren and sisteren.

Also, that alle the breþeren and sustren of þe foreseid ffraternite, schul assemble to-gydere in the chirche of seint Botulf aboue seid, in þe day of seint Katerine, and þere a masse here, and offre in þe worschepe of here: and also at after-non þe same day, or þe nexte sonday folwing, schul be to-gydere to chese here maistres for þe nexte ȝeer folwynge. Members of the gild shall go to church, and afterwards choose officers.

Also, what tyme þat a brother is ded or a suster, that they come to þe dirige and offre wᵗ hem on the morwe, vpon þe oth aboueseid, but he haue a resonable cause to be excused. Burials shall be attended.

Also, ȝif any brother deye, þat haþ nouȝt of his owne to be beried withe, ȝif it may so be ataken, þanne schal he be beried wᵗ þe moneye of þe comune box. The gild shall bear charge of burials.

Also, ȝif it so befalle þat any of þe breþeren falle syk x. myle eche weyes aboute Londone, and deye þer, þat ȝif þe wardeyns of þat ȝeer be of sent after, þat þey schul wende and fecche hom þe body to Londone; and þat alle þe breþeren schulle be redy at here warnynge, and go aȝens þe body, wᵗ-oute þe cite townes ende, for to bringe þe body in to þe place þider withe worschepe, als he schal be brouȝt vpon her charge aboue seid, but he haue a verrey enchesoun to be excused. Any brother dying within ten miles round London, shall have worshipful burial.

Also, þat alle þe costages that be mad aboute hym be mad good of þe box, ȝif he were nat of power to paie þerfore hym-self; and ȝif he were of power, lete his executors paie þerfore hem-self: but how-so it befalle, þᵗ þe costages of þe wardeyns be maad god of þe box. All costs thereof shall be made good by the gild.

Also, ȝif cas fallethe þat any of þe brotherhede haue nede for Loans to gild-

brethereu out of the gild stock, on pledge or surety.

to borwe a certein of seluer, þat þey go to þe keperes of þe box, and take þat he haþ nede, so þat þe somme be nat so moche þ^t^ on may be esed as wel as an oþer, and þat þey leye a suffisaunt wed, or elles fynde suffisaunt borwes of þe broþerhede.

Wax lights to be found, and used at times named.

'Also, þat þer shul be founde v. tapres rounde, the wighte of xx.*li.* of wex, for to ben ili3t on heye feste dayes, alle v. atte alle þe houres of þe day, in worschepe of god, and of his moder maiden marie, and seint Katerine þe gloriouse virgine and martyr, and of alle halwen. And on sondayes and on othere symple festes, two schul be li3t of þe fyue tapres atte hei3e masse. And 3if it so bifalle þat a symple brother dye, þat may nou3t fynde hym-selue no li3t, þanne þo v. tapres schul be mad newe, and set aboute þe body, and þe torches also; and whan any brother is ded, that he haue þo torches redy to brynge hym withe to cherche 3if nede be.

Further services after death.

Also, whan a brother or a suster is deed, the wardeyns schul warne þe frere menors that they come to þe place þer he schal be beried, and seye þer a dirige, and on þe morwe to seie a trent of masses atte same ffreres; and þe wardeyns schul paie hem for here trauaile.

New comers by assent only.

And þat no brother schal be resceyued but vpon þe day of oure assemble, at al þe companyes assent.

Four men shall keep the goods of the gild, and render an account yearly.

Also, þer schul be foure suffisaunt men for to kepe þe catel wel and suffisauntly; that on to kepe þe box, an-other þe keye, and þat oþer two schul resceyue þe seluer for þe quarterage; and þe foure schulle trewely 3iue vp here acompte vpon seint Katerine day, byfore al þe breþeren, or elles before sixe of þe wisest men þat ben to þe catel and to þe companye forseid.

Assent of all the gild to new ordinances.

Also, þat þer schal non of þe wardeyns make none newe statutes ne newe ordinances w^t^-oute assent of alle þe bretherhede, and þat it be don on þe day of here assemble.*

Goods of the gild.

And to þis breþerhede þey haue a vestement, a chalys, and a massebok, pris of x. marks.

*. This paragraph is distinguished, in the original, by a strongly marked cross at the side, clearly for the purpose of marking its importance.

III.

[Gild of Sts. Fabian and Sebastian, Aldersgate, London.*]

Ordinances of the gild.

These ben þe poyntes and þe articles ordeigned of the brotherheed of seint ffabian and sebastian in the Cite of Londone, þe whiche is founden in þe chirche of seint Botulf with-oute Aldrichesgate.

Names of the Masters.

Magistri ffraternitatis — Johannes Dancastre, lymenor. Ricardus Spaigne, pelliparius.

Oath on entry, and a kiss of love, charity, and peace.

The furst poynt is this; that whan a brother or a suster schal be receyued, þey schul be swore vpon a book to þe brotherhede, for to holde vp and meyntene the poyntes and the articles þat be write after folwynge, eche to his power, sauynge his estat; [and] þat euerich brother and suster, in tokenyng of loue and charite and pees, atte resceyuynge schul kisse oþer of þo þat ben þer.

Weekly help in poverty, old age, sickness, or loss by fire or water, &c.

Also, ȝif it so bifalle that any of the brotherhede falle in pouerte, or be anyentised thurwȝ elde, that he may nat helpe hym-self, or thurwȝ any other chaunce, thurwȝ fyr or watir, theues or syknesse, or any other hap, so it be nat on hym-selue alonge, ne thurwȝ his owne wrecchednesse, he schal haue, in þe wyke, xiiij.*d.* And ȝif it so befalle þat he be ȝong ynowȝ to werche, and he falle in meschef, and þat it may be take þat he ne hath nouȝt of his owene to helpe hym-self withe, that the bretheren helpe hym, eche man wt a porcioun, what his wille be, in wey of charite, sauynge his estaat.

The young to be helped to get work.

* CCCIX. 10. Condition, fair, excepting some lines at the end.

Payments by bretheren and sisteren.

Also þat eueri man schal paie, atte ffurste comynge in to the brotherhede, half a mark, and iij.*d.* eueri quarter, to meyntene þe liȝt of þe brotherhede and þe almesse; and ȝif þe man wil haue his wyf a suster, þan schal þ^t paiement stonde for hem bothe, and ȝhe to paie in þe quarter othere iij.*d.*, that is, two schillinges in þe ȝeer for hem bothe. And ȝif a sengle wǒmman come in to the bretherhede, ȝhe schal paie no lasse þan a brother doth.

Four days of meeting in the year; when all must attend, under penalty.

Also, þat euery brother and suster schul·be boxom, and come, whan þey be warned, to a certeyn place whider þat þey be assigned, foure dayes in the ȝeer, vpon the oth þ^t þey haue maad, and on þe peyne of xl.*d.* to paie to þe box; and þis schal be peyne for alle manere defautes þat þe breþeren falle inne. And þese ben þe foure dayes of oure assembles:—The day of seint ffabian and sebastian principaliche, herynge a masse of þe foreseid seintȝ, and offre in worschepe of hem, on þe peyne forseid. The seconde day, þe sonday next after Pask. And þe sonday next after missomer day. And þe sonday next after micheles day. Vpon þe peyne afore-seid, but he haue a verrey enchesoun wherfore þ^t pey mowe be excused.

Burials shall be attended.

Also, what tyme þat a brother is ded, or a suster, that they come and offre with hem, whan þey be warned to come, vpon þe foreseid peyne, but ȝif he haue a verrey enchesoun to be excused.

The gild shall bear charge of burials.

Also, ȝif any brother dye þat hath nouȝt of his owene to be beried with, ȝif it mowe be so ataken, þanne þat he be beried of þe comune box.

Those dying within ten miles round London, shall be fetched to London for burial.

Also, ȝif it befalle þat any of þe bretherhed falle syk x. mile eche weyes aboute Londone, and deyeth there, that ȝif þe wardeyns of þat ȝeer ben sent after, þat they schul wende and fecche þat body to Londone, and that alle þe bretheren be redy at here warnynge, and go aȝens þe body w^toute þe citees ende, for to bringe þe body in-to þe place w^t worschepe þider, as he schal be brouȝt vpon þe fore-seid peyne. And þat þe costages aboute hym be mad good of þe box, ȝif he were nouȝt of power to paie þerfore hym-selue; and ȝif he were of power, lat his executo^rs paie þerfore hem-self: but how-so it falle, þat þe costages of þe wardeyns be mad good of þe box.

Also, ȝif caas fallethe þat any of þe breþeren haue nede to borwe a certein of seluer, that þey go to keperes of þe box, and take what he hath nede of, so þat þe somme be nat so moche þat on may be esed as wel as an other, and þat þey leye a suffisaunt wed, or elles fynde suffisant borwes of þe broþerhede; and þat non oþer borwe non þerof but of þe same brotherhede. Loans to gild-bretheren out of the gild-stock, on pledge or surety.

Also, þat þer schul be founde vij. tapres rounde, the wighte of xxj.*li.* wex, for to be liȝt on heiȝe ffeste dayes, all seuene at alle houres of þe day, in worschepe of god and his moder marie, and seint ffabian and Sebastian, and of alle halwes; and on sondayes and on othere symple ffestes, two to be liȝt of þe taperes at þe heiȝe masse. And ȝif it so befalle þat a symple broþer dye, þt may nat fynde hymself no liȝt, þanne þo vij. tapres schul be mad newe and set aboute þe body, and þe torches also; and whan any broþer deieþ, þat þey haue þo torches redy to bringe hem to chirche ȝif nede be. Wax lights to be found, and used at times named.

Also, ȝif any of þe breþeren be alosed of þefte, or a comune conteco^{r}, or of any oþer wykked fame, wherfore þat þe companye is apaired by, þat with-oute any delay þat þey be put out of þe breþerhede. Ill-behaved bretheren shall be put out of the gild.

Also, þat no broþer schal be resceyued but on þe dayes of oure assembles. Entry of new bretheren.

Also þt foure gode and trewe men schul kepe þe catel longynge to þe companye, and trewely ȝiue vp here acounte þe day of seint ffabian and sebastian byfore alle þe breþeren, or elles sixe of þe wisceste of þe same bretheren; and eche ȝeer þe foure schal be chaunged, but it so befalle þat þey be þe more profitable to þe companye. Four men shall keep the goods of the gild, and render an account yearly.

Also, þat þer schal non Wardeins make non newe statutȝ ne newe ordinance w^{t}-oute assent of alle þe bretherhede, and þat it be don on on of þe foure dayes aforeseid. Assent of all the gild to new ordinances.

De bonis et catallis eidem ffraternitati pertinentibus. Goods of the gild.

In primis, duo vestimenta et unum calicem et missale. . . .

Item, vnum . . . . . xiiij.*s.*

Item, in auro et argento in pixide_____xiij.*s.* iiij.*d.*

[*In dorso.*] Grant of a house in Aldersgate,

Omnibus Christi fidelibus ad quos presens scriptum peruenerit, Johannes de Thorntone, ciuis Londonie, et Johanna vxor ejus, vxor quondam Johannis de Thame, ciuis et Hatter Londonie, ac executrix testamenti predicti Johannis de Thame, salutem in domino. Cum predictus Johannes de Thame, in testamento suo, probato, proclamato, et irrotulato, in hustengo Londonie de placitis terre tento die Lune proxima post ffestum sancti Barnabe apostoli, anno regni Regis Edwardi tercii post conquestum vicesimo tercio, legauerit totum illud tenementum suum cum pertinentiis, quod perquisiuit de domino Willelmo Lothewyk, Milite, in parochia sancti Botulphi extra Aldresgate, Londonie, Margarete filie sue, et heredibus de corpore ipsius Margarete legittime procreatis, volens vlterius et legans in eodem testamento suo quod, si predicta Margareta obierit sine herede de corpore suo legittime procreato, quod tunc predictum tenementum cum pertinentiis venderetur per executores suos. Que quidem Margareta, sine herede de corpore suo legittime procreato, jam mortua est. Noueritis nos prefatos Johannem de Thorntone et Johannam vxorem ejus, virtute et auctoritate testamenti predicti, vendidisse, concessisse, et hoc presenti scripto nostro confirmasse, Stephano Vant, Bookbynder, ciui Londonie, Johanni de Bokkynge, Webbe, ciui Londonie, Philippo atte Vyne, Cappere, ciui Londonie, et Ricardo Lincolne, Hattere, ciui Londonie, totum predictum tenementum cum omnibus suis pertinentiis, habendum et tenendum eisdem Stephano, Johanni de Bokkynge, Philippo, et Ricardo, heredibus et assignatis eorum, de capitalibus dominis feodi illius, per seruicia inde debita et de jure consueta, imperpetuum. In cujus rei testimonium, huic presenti scripto nostro sigilla nostra apposuimus:—Johanne Philippot, tunc Majore ciuitatis Londonie; Johanne de Heylesdoun et Willelmo Baret, tunc Vicecomitibus ejusdem civitatis; et Rogero Elys, tunc Aldermanno illius warde. Datum Londonie, primo die Octobris, anno regni regis Ricardi secundi post conquestum tertio.

worth 4*l.* 13*s.* 4*d.* a-year, less quit rent of 13*s.* a-year;

Tenementum predictum valet per annum vij. marcas. Vnde reseruatur, de quicto redditu, annuatim, xiij.*s.*

Et tenementum predictum est in manibus feoffatorum predictorum, quousque imposterum, per licenciam domini Regis, ad opus predicte Gilde siue fraternitatis, poterit amortizari; et iidem feoffati, ex deuotione sua, quando eis placuerit, soluunt redditum tenementi predicti in auxilium manutenendi lumen, et eciam pro emendacione vestimentorum predictorum, et in aliis operibus diuinis et elemosinis, prout in hac parte melius viderint expidire.*

the profits of which are applied in aid of the gild.

* Each of the three paragraphs of this indorsement is written in a different hand and ink from the others. No doubt the reason of this was, that a different officer of the gild made each separate entry, taking it from such documents as were in his separate possession on behalf of the gild.

IV.

[Gild of St. Mary,] Norwiche.*

The gild was begun A.D. 1360.

In Dei nomine, amen. And in honor of oure leuedi seinte marye, cristes moder of heuene, and alle halwyn, þe ordenaunces off certeyn persones weryn be-gunnen in þe Cite of Norwyche, in yer of grace a thousande thre hundred and syxti, 3e 3er of regne of kyng Edward, þe thridde after þe conquest, xxxiij., and perpetueli scha[1] ben holden, in þe honor of oure lady seynt marye, cristes moder, at þe heye auter in þe ffrere Prechours of Nortwyche.

[1] (*sic.*)

A candle and torches to be found, and used at times and in manner named.

Thus it is ordeyned: þat alle þe bretheryn and sistyn of þe gylde, als longe as xij. persones of hem lyuen, þei schullen offeryn a candel and to torches of wax; and þis light þey han hoten and a-vowed to kepen and meyntenen, and þese oþere ordenances þat ben vnder wreten, vp-on here power and diligence, in wyrschipe of crist and his moder; and þe to torchis schullen ben of xl. *lib.* weyghte; and alle þe brethren and sisterin schullen offeryn þis candel and þe to torchis, eueri 3er, þe sunday aftir þe natiuite of oure lady, and herin here messe at þe heye auter atte selue frere prechours; and eueri brother and sister offerin an *ob.* wyth here candel and here to torches, in honor of þe holigost.

And þe to torchis, eueri day in þe 3er, schullen ben light and brennynge at þe heye messe at selue auter, from þe leuacioun of cristis body sacrid in til þat þe preest haue vsed.

† Thys ben þe names of þe men þat ben maystres and kepers of þe gyld:

Masters of the gild, and goods in hand.

Johannes Brocke, webster
Henricus Wyld
Johannes Hotere

} And þis men han in kepynge for þe same light, xl.*d.*

* CCCX. 17. Condition, fair.

† What follows is in another hand and ink.

V.

[Gild of St. Botulph,] Norwic'.*

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes fraternitatis sancti Botulphi Abbatis in ecclesia sancti Botulphi, Norwici, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini nos prefati ligei vestri, juxta formam proclamacionis predicte, certificamus, quod nostra fraternitas predicta anno Domini millesimo cccmo octogesimo quarto fuerat incepta, ob honorem sancti Botulphi Abbatis, et luminis augmentum in ecclesia predicta singulis diebus ad missam ibidem dicendam continue sustinendi, sub certis ordinacionibus factis, quarum quidem tenor sequitur in hec verba :—

The Wardens of the gild make a return.

The gild was begun A.D. 1384.

The ordinances.

In nomine sancte Trinitatis, patris et filii et spiritus sancti, ac sancti Botulphi Abbatis, et omnium sanctorum, Amen.

In ye begynnyng it is ordeynede, yat yis fraternite shal be holden, at ye Chirche of seint Botulphe forsayde, on ye sonday next folowande ye Epiphany of oure lorde, ande yer offeren here Candel deuouteliche; and euery brother and euery sister shal offeren a ferthynge at ye messe wt ye candel; ande ye bretheren and sisteren yat bene absent, shul payen a pounde of wax to ye light.

The gild shall be held on the Sunday next after the Epiphany.

Ande also it is ordeynede, yat alle ye bretheren and sisteren of yis fraternitee shul comen, on ye monday next folowande, to

Next day, they shall have a mass of requiem.

* CCCX. 18. Condition, fair.

ye Chirche forsayde, and yer haue a messe of requiem for alle cristen soules, vp ye peyn forseyde.

Burials shall be attended, and offerings made.

Ande also it is ordeynede, yat when a brother or sister deyethe, alle ye bretheren and ye sisteren of yis fraternitee shule comen to ye Dirige and to messe; ande euery brother and euery sister shul offre a ferthyng, and yeuen a ferthyng for loue of godd, a peny to a messe for ye soule of ye dede; and he shal haue, of ye bretheren costes, two torches and two candels brennand.

Help to poor bretheren.

And also it is ordeynede, yat what brother or sister of yis fraternitee falle in pouert, euery brother and sister shal yeuen ye pouer brother or syster a ferthyng in ye woke.

Goods of the gild.

Et quo-ad bona et catalla fraternitatis predicte, eidem celsitudini vestre similiter significamus, quod nos, prefati Custodes, habemus in custodia, ad opus dicti luminis sustentandi, xxvj.*s.* viij.*d.* argenti. In cujus rei testimonium presentibus sigilla nostra apposuimus.

VI.

[Gild of St. George,] Norwic'.*

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes fraternitatis sancti Georgii Martyris, in ecclesia Cathedrali sancte Trinitatis Norwici, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini nos prefati ligei vestri, juxta formam proclamacionis predicte, certificamus, quod nostra fraternitas predicta anno domini millesimo cccmo octogesimo quinto fuerat incepta, ob honorem gloriosi martyris sancti Georgii, et luminis augmentum in ecclesia Cathedrali predicta singulis diebus ad magnam missam ibidem celebrandam continue sustinendi, sub certis ordinacionibus factis, quarum quidem ordinacionum tenor sequitur in hec verba:—

The Wardens of the gild make a return.

The gild was begun A.D. 1385.

The ordinances.

In nomine sancte Trinitatis, patris et filii et spiritus sancti, ac gloriosi martyris sancti Georgii, et omnium sanctorum, amen.

In ye begynnyng it is ordeynede, yat euery brother and sister of this fraternitee shullen halwen euermore ye day of seint George, and heren ye seruice of bothe ye euensonges and messe, and preyen for ye sisters and ye bretheren of yis fraternitee, and for alle trewe men yat trauaillen in ye kynges viage.

The day of St. George shall be always kept,

Ande also it is ordeyned, by comoun assent, yat ye forseyde bretheren and sisteren shullen offeren a candel brennande in ye

and offerings be made on that day.

* CCCX. 35. Condition, good.

forsayde Chirche, on ye day of seynt George in ye worshepe of seint George, by-for ye Trinitee. Ande ye same day yei shul bene at ye Chaundelers by pryme of ye day; and yat bene absent shul payen a pounde of wax to ye light; ande euery brother and euery sister shall offeren an halfpeny at ye messe wt ye candel.

Next day, a mass of requiem.

Ande also, yat euery brother and sister, on ye next day efter seint george day, shul comen to ye forsayde Chirche by pryme, and yer do synge a messe of Requiem for alle Cristen soules, vp ye peyn forseyde.

Burial services shall be attended, and offerings made.

Ande also it is ordeynede, yat when a brother or a syster deyethe, alle ye bretheren and sisteren of yis fraternitee shule comen to ye Dirige and to ye messe, ande euery brother and euery sister shul offeren a ferthyng, and yeuen a ferthyng for ye soule of ye dede, ande a peny to a messe; ande of yat siluer he shal haue two candels poysand vj. pounde of wax.

Weekly help to poor bretheren.

And also it is ordeynede, yat what brother or sister of yis fraternite falle in pouert, euery brother and sister shal payen, in ye woke, to ye kepers of yis fraternite, a ferthyng; of whiche siluer ye pouer brother or sister shal haue, in ye woke, viij.*d.*; ande ye siluer yat leueth, shal gone to ye makynge of ye Image of seint George.

Goods of the gild.

Et quo-ad bona et catalla fraternitatis predicte, eidem celsitudini vestre significamus, quod nos prefati Custodes habemus in custodia, ad opus dicti luminis et dicte ymaginis sancti Georgii faciendi, xl.*s.* argenti. In cujus rei testimonium, presentibus sigilla nostra apposuimus.

VII.

Fraternitas sancte Katerine, Norwic'.*

Norwic'. Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancte Katerine virginis et martyris, in ecclesia sanctorum Simonis et Jude in Norwico, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre excellencie, juxta formam proclamacionis predicte, certificamus, quod nostra fraternitas predicta anno domini millesimo cccmo septimo, per quosdam parochianos dicte ecclesie, et alios deo deuotos, fuerat incepta, ob honorem sancte Trinitatis, beatissimeque virginis marie, ac sancte Katerine virginis et martyris, et omnium sanctorum, luminisque incrementum in ecclesia predicta continuandum, sub certis ordinacionibus communi consensu fratrum et sororum fraternitatis predicte editis et factis; quarum quidem ordinacionum tenor sequitur in hec verba:—

The Wardens of the gild make a return.

The gild was begun A.D. 1307.

The ordinances.

In ye begynninge wt one assent it is ordeynede, yat alle ye bretheren and sisteren of yis gilde shul comen to-geder to ye paroche chirche of seynt Symond and Jude in Northwiche, on ye day of seynt Katerine, for to gone with processioun wt her candel, ye whiche be born be-forn hem, ande to heren ye messe of seynt Katerine in ye forsayde chirche; ande at yat messe euery brother and sister shal offeren an halfpeny.

All the gild shall go in procession on the day of St. Katherine, and make offerings.

Ande also it is ordeynede, yat what brother or sister be absent at ye processioun forsayde, or at messe, or at offeryng,

Penalty on any then absent.

* CCCX. 40. Condition, generally fair; but bad along one side.

he shall payen to ye catel of ye gilde ij. pounde of wax, bot yei mowen bene excused resonablely.

Burial services shall be attended, and offerings made.

Ande also it is ordeynede, yat when a brother or sister is dede, euery brother and sister shul come to Dirige and to messe; ande at ye messe, eueriche shal offeren an hal-peny, ande yeuen an hal-peny to almesse; ande for a messe to be songen for ye soule of ye dede, a peny. Ande at ye Dirige, euery brother and sister yat is letterede shul seyn, for ye soule of ye dede, placebo and dirige, in ye place wher he shul comen to-geder; ande euery brother and sister yat bene nought letterede, shul seyn for ye soule of ye dede, xx. sythes, ye pater noster, wt Aue maria; ande of ye catel of ye gilde shal yer bene two candels of wax, of xvj. pounde weight, aboute ye body of ye dede.

Duties of the lettered, and of the unlettered, bretheren and sisteren.

Any brother dying within eight miles of Norwich shall be brought to town for burial; or at least the usual services shall be done for his soul.

Ande also it is ordeynede, yat if eny brother or sister deye oute of ye Citee of Northwiche wtinne viij. mile, yat sex of ye bretheren yat han ye catel of ye gilde in kepyng, shul wenden to yat brother or sister yat is dede; and if it be lefulle, he shul done carien ye[1] Norwiche, ande elles be beryede yer; ande if ye body be beriede oute of Norwich, alle ye bretheren and sisteren shul bene warnede to comen to ye forsayde chirche of seynt Symond and Jude, ande yer shal be done for ye soule of ye dede alle seruice, light, and offeryng, as ye body were yer present. Ande what brother or syster be absent at placebo and Dirige, or at messe, he shal payen two pounde of wax to ye catel of ye gilde, bot he be resonablely excusede. Ande neuer-yeles he shal done for ye dede as it is seyde a-forn.

[1] (*sic.*)

On the morrow of the gild-day, a mass of requiem shall be sung.

Ande also it is ordeynede, yat, on ye morowe efter ye gilde day, alle ye bretheren and sisteren shul come to ye forsayde chirche, and yer done syngen a messe of Requiem for ye bretheren and sisteren soules of yis gilde, and for alle cristen soules, and euerich yer offere a ferthyng. And who-so be absent, he shal payen a pounde of wax.

Help to poor bretheren.

Ande also it is ordeynede, yat if eny brother or sister falle in pouert, thurghe auenture of ye werld, his state shal bene holpen, of euery brother and sister of ye gilde, wt a ferthyng in ye woke.

Ande also it is ordeynede, by comoun assent, yat if eny discorde be bytwen bretheren and sisteren, first yat discorde shal be shewede to other bretheren and sisteren of ye gilde, and by hem acorde shal be made, if it may be skilfully. Ande if he mowen nought bene so acorded, it shal be lefulle to hem to gone to ye comoun lawe, wtouten eny meyntenaunce. Ande who-so do dyein yis ordenaunce, he shal payen two pounde of wax to ye light.

In case of quarrel, the matter shall be laid before the gild.

Also it is ordeynede, by comoun assent, yat what brother of yis gilde be chosen in to office, and refuse it, he shal payen iij. pounde of wax to ye light of seynt Katerine.

Fine on refusal to take office.

Also it is ordeynede, by comoun assent, yat ye bretheren and sisteren of yis gilde, in ye worshepe of seynt Katerine, shul han a lyueree of hodes in suyte, and eten to-geder on her gilde day, at her comoun costes; ande who-so faile, he shal payen ij. pounde of wax to ye light.

A livery-hood shall be worn; and all shall dine together on the gild-day.

Also it is ordeynede, by comoun assent, yat no brother ne sister shal be resceyued into yis gilde bot by ye Alderman and xii. bretheren of ye gilde.

Admission of new-comers.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, prefati Custodes, habemus in custodia, ad opus dicte fraternitatis, xx.s. argenti.

Goods of the gild.

VIII.

NORWIC': FRATERNITAS SANCTI CHRISTOFORI.*

Certificacio in Cancellaria, per Magistrum Radulfum Nektone.

The Wardens of the gild make a return.

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancti Christofori martyris, in ecclesia fratrum ordinis sancti Augustini in Norwico, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per Vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, eidem excellencie vestre, juxta formam proclamationis predicte, certificamus, quod nostra fraternitas predicta anno domini millesimo cccmo octogesimo quarto fuerat ex deuotione fundata, ob honorem sancte Trinitatis, patris et filii et spiritus sancti, et sancti Christofori martyris, sub certis ordinacionibus consensu communi fratrum et sororum predicte fraternitatis factis; quarum quidem ordinacionum sequitur series in hec verba:—.

The gild was begun A.D. 1384.

The ordinances.

In ye worshepe of ihesu crist, ande of his dere moder, and of seynt Cristofere ye holy martir, and alle holy halwen, deuoutelichc we begynnen yis fraternite by yes ordynaunces vnderwriten.

Prayer for church, peace, pope, cardinals, patriarch, holy land, archbishops, bishops, parsons, king, queen, dukes, earls, barons, bachelors, knights, squires, citizens, burgesses, franklins, tillers,

In ye begynnyng, we shul preyen deuoutely for ye state of holy chirche, and for ye pees of ye londe; for ye pope of Rome and his Cardinals; for ye patriak of Jerhusalem; for ye holy londe and ye holy crosse, yat godd for his myght and his mercy bryng it oute of hethen power into reule of holy chirche, ande yat godd of his mercy make pes and vnytee in holy Chirche;

* CCCX. 66. Condition, three parts fair; remainder bad.

craftsmen, widows, maidens, wives, commonalties, shipmen, pilgrims, unbelievers, our fathers' and mothers' souls, and for all of this gild.

ande for alle Erchebisshopes and bisshopes, and specialy for oure bisshope of Norwiche; for alle parsones and prestes, and alle ordres of holy chirche, yat godd of his mercy saue hem and kepe hem, body and soule, and yeue heme grace here, ordre to kepe, and so to reule holy chirche and mannes soule yat it be to goddes worshepe and saluacioun of here soules and to alle cristen men; for oure lorde ye kyng, for oure lady ye qwen, Duckes, Erles, Barouns, and Bachelers of ye londe, yat godd of his grace sauue hem and kepe hem fro dedely synne, and yeue hem grace, ye Roialme and holy chirche and here owen soules so to reulen and kepen y^t^ it be worshepe to godd, and to alle cristen men saluacioun; for alle knyghtes, squyers, citezenis and Burgeys, fraunkeleyns, and alle trewe tyliers and men of craft, wydoues, maydenes, wyfes, and for alle ye communalte and cristen peple, y^t^ godd of his mercy saue hem and kepe hem y^t^ in yis werld leuen w^t^ treuthe, and yeue hem grace so to done yat it be worshepe to godd and saluacioun to here soules; for alle trewe shipmen, and trewe pilgrymes, y^t^ godd for his grace yeue hem wederyng and passage, yat yei mowen sauely commen and gone; for ye fruyte of ye londe and of ye see and ye wederyng; for alle ye men y^t^ bene in fals beleue, and wolde bene in goode beleue, godd yeue hem grace to comen to her desir; for oure faders soules, and moders, bretheren and sisteren, and for alle ye bretheren and sisteren of yis gilde, and for alle cristen soules: amen.

This prayer shall be said at every meeting.

Ande also it is ordeynede, yat yis bede and preyer shal bene reherside and seyde at euery tyme yat ye alderman and ye bretheren bene togedere.

The gild-day shall be on the Sunday before the feast of St. Christopher.

Ande also it is ordeynede, by ye bretheren and sisteren of yis gilde, y^t^ yei shulle holden ye day of her fraternite, euery yher, on ye sonday next a-forn ye feste of seynt Cristofore; ande on ye same day yei shulle offren a candel of fyue lightes, brennande aforn ye heye Auter in ye freres Austyns of Norwiche; ande yei shule eten to-geder on ye same day, on her owen costes.

No ordinance shall be against the common law.

Ande yis is here entent, to make non ordinaunce in prejudice ne lettyng of ye comoun lawe, but only in worshepe of godd and seynt cristofore, and norisshyng of loue and charitee.

Yearly a mass of requiem, and offerings.

Ande also it is ordeynede, yat euery yher, on ye monday next efter ye sonday of her offeryng, yei shul bene alle to-gedere in ye same place, and haue a messe of Requiem, and eueriche offre a ferthyng for alle cristen soules.

Offerings at burials: and two poor men shall carry torches.

Also it is ordeyned, yat on ye day of ye sepulture of eny brother or syster of yis gilde, y^t^ eueryche offre a ferthyng, and yeuen an halpeny to allemesse, ande aboute ye dede ij. candels of viij. pounde of wax; ande two pouere men shul bene hirede of ye almesse siluer, to holden ye torches aboute ye dede.

Help to poor bretheron.

Ande also it is ordeynede, yat yhef eny brother or sister of ye gilde falle in pouerte or myschef, by auenture of ye werld, euery brother and sister shal payen an halpeny euery woke to ye kepere; [*and oute of yis*] he shal han, euery woke, xij.*d.*, and ye remanant to ye light.

Goods of the gild.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, predicti Custodes, habemus in custodia xx.*s.*, ad opus et sustentacionem luminis predicti.

IX.

Fraternitas sancte Trinitatis, *in ecclesia Cathedrali sancte Trinitatis,* Norwic'.*

Norwic'. Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancte Trinitatis in ecclesia Cathedrali sancte Trinitatis, Norwici, omnimodam subjeccionem ac reuerenciam et honorem. Pretextu cujusdam proclamationis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini, juxta formam proclamationis predicte, certificamus, quod nostra fraternitas predicta anno domini millesimo ccc^mo^ sexagesimo quarto fuerat ex deuocione incepta, ob honorem summe et indiuidue Trinitatis, patris et filii et spiritus sancti, luminisque augmentum in ecclesia Cathedrali predicta singulis diebus deuote continuandum, sub certis ordinacionibus communi consensu confratrum et sororum predicte fraternitatis factis; quarum quidem ordinacionum tenor sequitur in hec verba :—

The Wardens of the gild make a return.

The gild was begun A.D. 1364.

The ordinances.

In ye begynnyng it is ordeynede, by comoun assent, yat alle ye bretheren and sisteren of yis fraternite shul kepen and begynnen her deuocioun on ye euen of ye feste of ye Trinitee, at matyns commande, w^t^ solempnite to ye forsayde chirche, w^t^ torches brennande, and yer offeren euery brother and sister. Ande on ye morowen gone w^t^ ye processioun, w^t^ a candel of fyue lyghtes to brene aforn oure lady.

A solemn service shall be held on the eve of the feast of the Trinity.

Ande also it is ordeynede, yat, euery yher, yat on ye monday next efter ye Trinite sonday, alle ye forsayde bretheren and

A mass of requiem shall be had, and offerings made.

* CCCX. 85. Condition, fair.

sisteren shul comen togeder to ye same place wher ye candel is offered, and haue a messe of Requiem for alle cristen soules. Ande euery brother and sister shal offre a ferthyng. Ande whoso be absent, he shal payen a pounde of wax to ye light.

Burial services, and offerings.

Ande also it is ordeynede, by comoun assente of yis fraternite, yat, at ye day of ye sepulture of ye bretheren and sisteren, euery brother and sister forsayde shul offeren an halpeny, and yeuen an halpeny to almesse; ande eueriche brother and sister shal payen a peny to a messe; ande euery brother and sister shal payen, of ye commoun catel, a peny to a sauter for ye dedes soule; ande he shal haue, of ye comoun catel, two candels poysaunt viij. pounde.

Help to poor bretheren.

Ande also it is ordeynede by yis fraternitee, yat yefe eny brother or sister falle in pouert, or in mischief, euery brother or sister shal payen an halpeny in ye woke to ye officers; wherof ye pouer brother or sister shal haue xij.*d.* in ye woke, and ye remanant shal be done to ye light.

Fine for absence from meetings of the gild.

Ande also it is ordeynede, yat if eny brother or sister be absent at eny gaderyng or beryinge, or when he be somound, he shal payen a pounde of wax to ye light, bot he be excus[*ed res*]onablely.

Goods of the gild.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, predicti Custodes, habemus in custodia, ad opus et sustentationem fraternitatis predicte, lx.*s.* argenti.

X.

[Brotherhood of Barbers,] Norwiche.*

And a bretherhode þer is ordened of barbres, in þe site of Norwyche, in þe worschep of god and ys moder, and seynt Johan þe Babtis, þat alle bretherin and sisterin of þe same gylde, als longe as xij. persones of hem lyuen, þey schulen offeryn a candel and to torches of wax; and þis light þey hoten and a-vowed to kepyn and myntenyn, and þes oþer ordenances þat ben vnder wreton, vp-on here power and diligence, in worschepe of crist and ys modyr and seyn Johan Babtis; and þe to torches schul bien of xl. *lib.* weyght; and alle þe bretherin and sisterin schullen offeryn þis candel and þe to torches eueri ȝer a misomere day, and þey herin here messe at þe heye auter atte Charunel in cristis cherge, and eueri brother and sistir offeryn an *ob.* wyth here candel and here to torches, in honor of god and oure lady and seynt Johan þe Babtis.

Torches and other lights, &c., shall be offered on Midsummer day.

And þe to torches, eueri day in þe ȝer, scullen ben light and brennynge at þe heye messe at selue auter, from þe leuacioun of cristis body sacrid, in til þat þe priest haue vsud.

Torches shall be kept burning during high mass.

This bien þe names of þe men þat ben maystris and kepers of þe gyld:—

Philippus Barbur
Jacobus Barbir
Thomas Barbyr at prechors

} And þis men han in kepynge for þe same light, ij.*s.* in here box.

Goods of the gild.

* CCCX. iii. Condition, fair.

XI.

[Gild of the Peltyers, Norwich.]

*Fraternitas sancte Trinitatis, Norwici, ac sancti Willelmi Innocentis et martiris, de Norwico.**

Recital of the King's writ, proclaimed by the Sheriff of Norfolk.

Norwic'. Excellentissimo et nobilissimo principi et domino nostro, domino Ricardo, dei gratia Regi Anglie et ffrancie, ac ipsius sano consilio in sua cancellaria, sui ligei humiles et benignissimi, magistri et custodes fraternitatis constitute et ordinate in honore sancte Trinitatis, beate marie, ac beati Willelmi innocentis et martiris, ac omnium sanctorum, que quidem fraternitas est tenta in ecclesia cathedrali sancte Trinitatis, Norwici, die dominica proxima post festum Petri et Pauli, omnimodam reuerenciam cum omni subjeccione et honore. Cum nuper, de mandato Regio, per vicecomitem Norffolchie, palam et publice, inter alia, fuisset proclamatum quod omnes et singuli magistri et custodes gildarum, fraternitatum, quarumcumque, certificent in cancellariam vestram, in scriptis, plenarie, distincte, et aperte, citra festum purificacionis beate marie vbicumque tunc fuerit, de modo forma ac auctoritate fundacionis, inceptionis, ac continuationis, et regiminis, gildarum et fraternitatum predictarum, ac de modo et forma sacramentorum, congregacionum, conuiuiarum, assembliarum, fratrum et sororum, ac omnium aliorum de gildis et fraternitatibus hujusmodi existentibus, necnon de libertatibus, privilegiis, statutis, ordinacionibus, vsibus, et consuetudinibus, gildarum et fraternitatum earundem, ac insuper de omnibus terris et tenementis, redditibus, possessionibus, mortificatis et non mortificatis, ac bonis et catallis quibuscumque, ad predictas gildas et fraternitates qualitercumque pertinentibus siue spectantibus, in quorumcumque manibus hujusmodi terre et tenementa, redditus et possessiones, bona seu catalla, ad opus hujusmodi gildarum et

* CCCX. 116. Condition, partly fair; the rest bad.

fraternitatum existant, ac de vero precio bonorum et catallorum predictorum. Nosque ligei vestri, audita et intellecta proclamatione predicta per ipsum vicecomitem sic facta, regie celsitudini vestre, juxta formam proclamationis predicte, in omnibus obedire volentes, eidem celsitudini vestre certificamus, quod nostra confraternitas antedicta ab anno domini millesimo tricentesimo septuagesimo sexto fuerit incepta et fundata; ac deinceps, ad honorem dei, glorioseque virginis marie matris sue, ac beati Willelmi, ac omnium sanctorum, diuinique cultus augmentum, ac dicte ecclesie cathedralis et sustentationis duorum capellanorum deo ibidem seruiencium releuamen, per confratres et sorores ipsius fraternitatis successiue continuata, sine prejudicio, injuria, seu calumpnia cujuscumque. Nec est dicta fraternitas in aliquibus terris, tenementis, redditibus, aut possessionibus immobilibus dotata; sed fuit et est, quando et quociens necesse fuerit, pro oneribus eidem confraternitati incumbentibus subportandis, de collecta communi inter dictos confratres et sorores fieri consueta, ac de legatis in testamentis et vltimis voluntatibus, aliisque piis deuocionibus eidem relictis et collatis, decenter sustentata et huc usque debita gubernata. Ad hos insuper modum et formam, fratres et sorores dicte confraternitatis sunt conuocandi, conuocati, assemblia[n]di seu assembliati, secundum quasdam ordinaciones, communi sensu ipsorum confratrum et sororum editas atque factas, quarum quidem ordinacionum tenor sequitur in hec verba :—

Return made by the Masters and Stewards of the gild, in pursuance of that proclamation.

The gild has no lands, but is maintained by charges levied, and by legacies and other gifts.

The ordinances.

Constitutiones. In ye name of ye fader and sone and holy gost, thre persones o god in trinite; and in ye worchepe of oure lauedy seynte marie his dere moder, and of seynt William ye holy Innocent and digne marter, and alle halewyn. In ye yer of oure lord jhesu cryst, a thousande thre hundred seuenty and sexe, Peltyers and oyere god men be-gunne yis gylde and yis bretherhod of seynt Willyam ye holy Innocent and marter in Norwyche. And alle yis ordenaunces undirwreten, al ye bretheren and systeren schulyn helden and kepen vpen here power.

The gild was begun A.D. 1376 by peltyers [furriers] and others.

Two candles, dressed with flowers, shall be yearly offered at St. William's tomb.

At ye fyrste, alle ye bretheren and systeren thus han be hoten: yat yey, euery yer, on ye sunday nexst aftyr ye fest of seynt Peter and Powel, in worchepe of ye trinite and of oure leuedy and seynt William and alle halwen, schullen offeren to floured candelys a-forn seynt Willyams toumbe, in ye mynstre of ye trinyte, and eueri of hem offeren an halpeny at ye messe, and heren al ye messe. And qwo-so be absent, yanne he schal payen to seynt Williams lythe thre pound of wax. And it schal ben reysed and gadered be ye alderman and his felas. Also a knaue chyld, innocent, beren a candel yat day, ye wygthe of to pound, led be-twyxen to gode men, tokenynge of ye gloryous marter.

Procession of a boy and two good men.

Only three excuses allowed for absence, unless it be otherwise willed.

Also it is ordeyned, yat no man schal ben excusyd of absence at yat messe, but it be for ye kyngges seruise, er for stronge sekenesse, er twenty myle duellynge fro yis syte, yat he ne schal payen ye peyne of thre pound of wax.

And qwo-so schal ben escused for any oyer schyl, it schal ben at ye aldermannes wyl, and at ye cumpany.

No ordinance shall prejudice the king's right, or the law.

Also alle ye bretheryn and systeryn han hordeyned and graunted, for any ordenaunce yat is mad or schal ben mad a-monges hem, yat yey schal saue ye kynge hys rythe, and non prejudys don a-geyn his lawe in yes ordenaunce.

On the morrow of the gild-day, hear a mass of requiem.

Also it is ordeyned, yat eueryche broyer and syster of yis gylde, erly on morwe aftyr ye gylde day, schal heryn a masse of requiem for alle ye brethere soules and systeren soules of yis gilde, and for alle crystene soules, at seynt Williams auter in ye mynstre of ye trynyte in Norwyche, and offeren a ferthynge. And qwo-so be wane, schal paye a pound of wax.

After the mass, go to an Inn, audit accounts, and choose officers.

And qwan ye messe is don, be here aldermannes asent yey schal alle to-gedere gon to an In. And euery man yat hat ony catelle of ye gilde, leyn it doun; and ordeynen yer of here lykynge be comoun assent, and chesen offyceres for ye nexte yer. And qwo falye, schal payen thre pound of wax.

Officers shall be chosen by picked men.

And viij. men of ye aldermannes chesynge, on ye gylde day, schulen chesen an alderman, and to felas, and a somonor, for ye nexte yer.

Also it is ordeyned, in ye worchepe of ye trinite and of oure

leuedy seynt marie, and of seynt William and of alle halwyn, yat qwat brother or syster, be goddis sonde, falle in mischefe er mys-ese, and haue nout to helpen hem-selfe, he schal han Almesse of eueri bꝛoyer and syster euery woke, lestende his myschefe, a ferthynge; of qwyche ferthynges he schal han xiiij.*d.*, and ye remenaunt gon to catelle. But if it be his foly, he schal nout han of ye elmes.

Bretheren and sisteren fallen into trouble or mis-ease, shall have weekly help;

but not so if brought on by their own folly.

Also it is ordeyned, be comoun assent, qwo-so be chosen in offys, and refuse it, he schal paye to seynt Wylliams lythe thre pound of wax, and vp peyne of his othe.

Fine on refusal to take office.

Also if ony brother er syster deye, he schal han of ye gylde foure torches, and foure pore men cladde, abouten his cors. And euery brother and syster offeren at his messe, and heryn al ye messe, and byden his enterynge, and at messe offeryn a ferthynge, and an halpeny ȝeuen to almes for ȝe soule. And ȝeuen to a messe a peny, ye qwyche [*schal be*] gaderyd be ye alderman and hise felas, te don for ye soule and for alle crystene.

Burial services and offerings.

Also if any broyer er sister deye seuene myle fro ye cite, ye alderman and oyer seuene bretheryn, at his e[*xequises, schul*] wende in fere to ye cors, and ordeynen and don for ye soule as for on of ye bretheren.

Deaths seven miles from the city.

Also it is ordeyned, be comoun assent, yat yese bretheren, in worchepe of ye holy trinyte and seynt William, schul etyn togedere on yat day, at here comoun cost.

An annual feast shall be held.

And qwo-so be somouned to don semble, er to congregacioun be-forn ye alderman and ye bretheryn, and come nout, he schal paye a pound of wax to ye lyt.

Fine for not coming to meetings.

Also it is ordeyned, be comoun assent, yat no broyer ne syster in yis gilde schal be reseyuet but be ye alderman and xij. bretheryn.

Admission of new-comers.

Also it is ordeyned, be comoun assent, yat ye comoun belleman schal gon thurghe ye cite on ye gilde day, after none, and recomandyn al ye brethere soules and systeres of ye gilde be name, and alle crystene soules; and seyn yat a messe of Requiem schal ben seyd erly on ye morwen, be prime day, in memorie of ye soules and alle crystene; and somownyn alle ye

The common bellman shall summon the bretheren to meet on the morrow of the gild-day.

bretheryn an systeryn, yat yey ben at ye messe at ye auter of seyn William at yat tyme of prime, vp ye peyne of thre pound of wax.

~~Also it is ordeyned, yat ye fo~~ *

Non sunt alie constitutiones constitute nec ordinate in fraternitate predicta.

Goods of the gild. Summa catallorum dicte fraternitatis, iiij.*li.* iiij.*s.*, et non plus nec minus.

[Indorsed:]—ffraternitas sancte Trinitatis ac beati Willelmi Innocentis et martiris in Norwico.

* This beginning of a fresh ordinance, and its crossing out, are so in the original record. As none other of the ordinances has this beginning, the inference is, that some fresh ordinance happened to be at that time under consideration, but had not been yet adopted. The Latin clause which follows supports this inference. It is certain that fresh ordinances were, from time to time, adopted. The case of the Shipmanes Gild gives an illustration of this fact. (See after, p. 57.)

The Latin preface to these Ordinances speaks of the maintenance of two chaplains; but this was clearly a mistake, for there is nothing at all in the ordinances themselves as to the maintenance of any chaplain.

XII.

[The Tailors' Gild, Norwich.]

*Certificatio fraternitatis Artificii Sissorum, Norwici.**

Norwiche. Excellentissimo et nobilissimo principi, domino nostro, domino Ricardo, dei gracia Regi Anglie et ffrancie, ac ipsius sano consilio in sua cancellaria, sui ligei humiles et benignissimi, magistri et custodes fraternitatis Artificii sissorum in Norwico, facta[1] in honore assencionis domini nostri ihesu christi et beate marie virginis, omnimodam reuerenciam cum omni subjeccione et honore. Cum nuper, de mandato regis, per vicecomitem Norffolchie, palam et publice inter alia fuisset proclamatum, quod omnes et singuli magistri et custodes gildarum, fraternitatum, quarumcumque, certificent in cancellariam vestram, in scriptis, plenarie, distincte, et aperte, citra festum Purificacionis beate marie, vbicumque tunc fuerit, de modo, forma, ac auctoritate, fundacionis, incepcionis, ac continuacionis, et reiminis, gildarum et fraternitatum predictarum; ac de modo et forma sacramentorum, congregacionum, conuiuiarum, assembliarum, fratrum et sororum, ac omnium aliorum de gildis et fraternitatibus hujusmodi existentibus; necnon de libertatibus, priuilegiis, statutis, ordinacionibus, vsibus, et consuetudinibus, gildarum et fraternitatum earundem; ac insuper de omnibus terris, tenementis, redditibus, possessionibus, mortificatis et non mortificatis, ac bonis et catallis quibuscumque, ad predictas gildas et fraternitates qualitercumque pertinentibus siue spectantibus, in quorumcumque manibus hujusmodi terre et tenementa, redditus et possessiones, bona seu catalla, ad opus hujusmodi gildarum et fraternitatum existunt; ac de vero precio

[1] (*sic.*)

Recital of the proclamation lately made by the Sheriff of Norfolk, calling for returns as to gilds.

* CCCX. 120. Condition, generally fair, but bad in places.

bonorum et catallorum predictorum. Nosquè ligei vestri, audita et intellecta proclamacione predicta per ipsum vicecomitem sic facta, regie celsitudini vestre, juxta formam proclamacionis predicte, in omnibus obedire volentes, eidem celsitudini vestre certificamus, quod nostra confraternitas antedicta ab anno domini millesimo tricentesimo quinquagesimo fuerit incepta et fundata. Ac deinceps, ad honorem Assencionis Domini nostri ihesu christi, glorioseque virginis marie, diuinique cultus augmentum, in capella beate marie de campis in Norwico, Deo ibidem seruitura per confratres et sorores ipsius fraternitatis, sine prejudicio, injuria, seu calumpnia cujuscumque. Non est dicta fraternitas in aliquibus terris, tenementis, redditibus, aut possessionibus immobilibus, dotata; sed fuit et est, quanto et quociens necesse fuerit, pro oneribus eidem confraternitati incumbentibus supportandis, de collecta communi inter dictos fratres et sorores fieri consueta, secundum quasdam ordinaciones communi sensu ipsorum confratrum et sororum editas atque factas, quarum quidem ordinacionum tenor sequitur in hec verba :—

Return now made accordingly.

The gild was begun in 1350.

It has no lands. but is maintained by charges levied under the following ordinances.

The ordinances.

Ordinacio.*

The gild shall meet together,

This ordenaunce ys mad in this manere:—þat alle the breþeren and the susteren schullen ben to-gedere on the half thursday, at þe candel berynge, and at the messe seynge and offeryn; and who-so faille þat day, þat he be nouthe þere, as comenaunt ys, he schal paie a pound of wax for is faute.

and next day be at a mass of requiem.

And also, on the fryday nest folowende, it is ordeyned þat alle þes breþeren and sisteren shullen ben at a messe of requiem for the bretheryn and þe sisteren þat ben dede, and for alle cristene soules: als-so ho-so make defaut that day, he schal paye half a pound of wax.

They shall obey the summons of the alderman, to audit accounts.

And also it is ordeyned, þat alle the bretheren þe wache þe halderman of this gilde sendit fore, shullen ben redy at that day

* The copy of ordinances which follows, in English, is written in a different hand from the foregoing Latin preface.

that he sendit for hem, be-twixen þe feste of the Natiuite of oure lady and Misschelmasse, in wat stede that he syngnyt hem, for to here the Countes and reknynges for the dettes þat he owen to Alderman and þe compayne.

And who-so make defaut þat day, and be warned, he ssal paye to pound of wax. Fine, if absent.

Also it is ordeigned be þe breþeren, þat alle þo þat the Alderman sendit fore, shullen ben redy on þe soneday fourtnythe after esterne, en what place þat þe Alderman assyngnetȝ, for to ordeynen hoo ssal make the candel þat ȝer, and kepent; and also þo þat arn assyngned to don that office, þe companye ssal oward hem viij.*d.* for here trauaille. And þe sexteyn of the forseid chapel ssal han, for lythynge of the lythe, viij.*d.* Also þe clerk that ryngetȝ on the half thursday at euen, ssal han. iiij.*d.* for his trauaille. Meeting after Easter, to choose officers, &c. Payments to sexton and clerk.

And also it ys ordeyned, be þe Alderman and alle the breþeren, þat who-so falle at meschief, en pouerte, croked, blyn, be þe grace of Godes sonde, out-taken ȝef he be a theffe proued, he ssal han seuene penes in þe woke, of þe breþeren and sisteren, to helpen hem withe. Help to the poor and maimed.

And also it ys ordeyned, be alle þe breþeren and sisteren, þat what brother or sister deye, þe ferndes of þe dede body sshullon whet þe Alderman to seyn; and he ssal sende forthe þe bedel to alle þe breþeren and þe systeren, þat þey bien at the derge of þe body, and also at messe and offeren, and ben withe the body til it be closid in þe herthe; and also fynden þer, of here cost, to tapers of wax, of þe wythe of xij.*li.*, at þe derge and at þe messe brennende. And also euery broþer and euery sister of þe gilde sshullen ȝeuen on halpeny in þe worchepe of god for þe soule; and also seyn oure ladys sauter, or don seyn. Euery broþer and sister ssal ȝeuen a peny to a messe for þe soule, hastili songen. Burial services and offerings.

And also, what broþer or sister þat deye vij. mile a-boute þe sete, þe breþeren þat þe alderman assyngnetȝ sshullen gon þeder wt he wax, and bryngin þe bodi to þe herthe, as it is be-fore. Burial of those dying out of town.

Also ȝef ony broþer or sister deye in straunge cuntre, in Service for those dying abroad.

cristendom or in hethenesse, þe breþeren sshollen gon to þe chapel on the feld, with here wax, and leyn a clotȝ, and doun a messe of requiem for þe soule, and oþere þenges, als ȝon he where at hom amoungeȝ hem.

Oath to be taken by gild-members.

Also it was ordeyned ferst be Peres of Weston, and be alle þo þat han be sithyn, þt alle þese Comenauntȝ a-forsaid sshulle ben holden ferme and stable: and þer-to harn þei sworon on the halidom. And alle þo þat comen after sshullen do þe same othe.

[*In dorso.*] Alderman to be chosen.

And also it is ordeyned, þat alle the bretheren sshullen ben togedere on the friday after half thursday, for to chesen an Aldirman; which Aldirman ssal receyue þe catel at a serteyn day, and deliueren aȝen in serteyn place þer þe breþeren assyngnetȝ. And who-so faile, þe friday after mete, he sshal paien half a pound of wax.

At meetings, a candle shall be kept alight, and a prayer shall be said.

And also it is ordeyned, þat a-mounges the breþeren and sisteren in here assemble, a candel brennande of wax, and seyn a bede in worchepe of god and of oure leuedy, alle seyntes, and for alle cristene soules, and for alle þe breþeren and sisteren of þis gilde.

A Summoner shall be chosen, and rewarded by quittance of the usual payments. Fees shall be paid to the Bedel.

Also it ys ordeyned þat, fryday after noon, þat þey shole chesen a Somnor; and alle þt ȝei who-so be in þat office, he shal paie no siluer, but gon qwyte for hys trauaille. Also qwat broþer or sister þat entrit in his time schal paie to þe bedel a peny.

[Indorsed:—] Fraternitas sissorum ciuitatis Norwici, ordinata in honore assencionis domini.

XIII.

[The Carpenters' Gild, Norwich.*]

In the name of þe fader and sone and holi gost, and of oure ladi seinte marie, cristes moder, and al þe holi cumpanye of heuene, þe ordenaunces of þe gilde of Carpenteris werin begunnen, in honor of þe holi trinite, in þe 3er of grace of oure lord jhesu crist a thousand thre hundred and seuenti and fyue, þe 3er of oure noble kyng Edward, þe thridde after þe conquest, fourti and nyne; and shullen ben holden perpetuelliche in þe moder Chirche of Norwiche a-forn þe heye auter: and it was begunnen by þis entent, for to encresin a light of torchis atte sacrement of cristis bodi at selue auter. The qwilk ordenaunces alle þe breþerin and sistrin of þis gilde han be hoten and avowed, to þe honor of þe trinite, to holden and stabeliche kepen, vp-on here might and power, as longe as xij. persones of þis gilde lasten and lyuen.

The gild was begun A.D. 1375.

Thus it is, þat alle þe bretherin and sistrin shullen comen togidere, on þe saterday atte euen next after þe ascension of oure lord crist, eueri 3er, at þe place assigned be þe alderman and his to felas, in Norwich, in cause of deuocioun, and þere biddin a bede a-forn here light in honor of trinite, and han recomoundid in here mynde þe stat of holi Chirche, and for pes and vnite in þe lond, and for alle þe bretheren soules and sistris soules of þis gilde, and alle here frendis soules, and alle cristene. And eueri of hem shal seyn, wt good deuocioun, v. pater noster and v. aue marie be-forn þe candil brennyng.

A yearly meeting to be held, which shall begin with prayers.

* CCCX. 174–177. Condition, fair. This return is made up in the form of a book. It has six leaves of vellum, each measuring 9½ inches by 5½. Only three of the leaves are written upon, but each of these is written on both sides. The handwriting is very remarkable.

A yearly procession and offerings.

Also it is ordeyned, þat eueri ȝer, on þe sunday next after þe ascensioun, alle þe breþerin and sistrin, at tyme of day, shal ben at þe Chaundelers þer here wax is ordeyned in Norwiche, and gon alle to-gidere, in processioun, wt here candil and here torchis, in-to þe menstre of þe trinite, and offerin es vp at þe heye auter, and heren þe heye messe, and eueri offerin an halpeny atte messe.

Burial services and offerings.

Also it is ordeyned, þat if any broþer or sister of þis gilde deye with-outen þe Cite of Norwiche, he shal han to Candils of þe bretherin at his dirige and his messe, brennyng abouten his corps, of xij.*lib.* peys. And alle þe bretherin and sistrin shullen ben at his dirige, and praye for þe soule. And, on þe day folwande, ben at his messe of requiem from gynnyng to þe ending; and eueri offerin a ferthing, and ȝeuen an halpeny to elmes for þe soule. And eueri broþer and sister ȝeuen a peny to do seyn a messe for þe soule, and for alle þe bretherin soulis and sistrin of þis gilde, and alle cristen soulis.

Deaths within seven miles of the town.

Also, if any broþer or sister of þis gilde deye wit-outen Norwiche vij. mile abouten, alle þe bretherin shullen gon to his berying messe, with here alderman, with here to candelis brennende a-bouten his cors, and offrin alle atte messe, and ȝeuen here elmesse þere, and gaderin þe messe pens for þe soule in manere for-seyd.

Service for those dying abroad.

Also, if he dye in ferthere cuntre, he shal han his seruise and messe offring, elmesse, messe pens, and trental, as on of here othere bretherin, in þe mynstre of Norwiche.

Help to those fallen into poverty or mishap, if not brought about through folly or riotous living.

Also þese bretherin han ordeyned, be weye of charite, þat if any broþer or sister of þis gilde falle in any meschef or pouert, be godis sendyng, or be any chaunce of þe werld, and nat be his owne folye ne ryotous lyuyng, and he may nought withe his craft ne with his godis helpen him self, he shal han, of eueri broþer and sister of þis gilde, eueri woke, a ferthyng, lestyng his meschif: and þese ferthinges shal be gaderid at eueri moneth ende, and delid forth to þe nedful man, in honor of crist and his moder, and for alle cristene soules.

And qwo-so make defaute in any of þese ordenaunces, he hath

oblisshed him-self, bi his avow and his owen graunt, to payen to þe light ii.*lib.* of wax in wursship of crist, but if he may resonabli escuse him-self be þe kyngis seruise, or for any journe þat touchit þe kyng or his ministris, or be any oþer cause resonable.

Fine for non-fulfilment of ordinances, unless there be good excuse.

Also þis is þe bretheris entent, þat for non ordenaunce þat herin is mad, ne be no maner color of þis gilde, þei shullen makyn no meyntenaunce ne confideracie ageyn þe kyngis right ne þe comoun lawe, ne no preiudice don to no maner man, be þe feyth þat þei owen to god and þe ligeaunce þat þei awe to oure lord þe kyng.

Neither the king's right nor the law to be encroached on.

*And bysyden alle thise ordinaunces, Robert of Elyngham, Masoun, and othere serteyn masouns of Norwiche, fynden, in Cristes chirche at Norwiche, tweye torches brennyngge atte heye auter as it is by-for seyd.

Gifts by certain masons.

* This paragraph is written in another and very different hand. It is clearly not intended to be taken as one of the ordinances, but as the statement of a fact. See the note at the end of the Gild next following.

XIV.

[The Poor Men's Gild,] Norwiche.*

The gild was begun A.D. 1380.

In honor of oure lord Jhesu crist, and of oure lady seinte marie, and in wursship of seyn Austyn, anglorum Episcopi, and alle holi halwen; in honor of which seynt austyn þe pouere men of þe þarisshe of seynt Austyn be-ginnen [a] gylde, in helpe and amendement of here pouere parish chirche of seyn Austyn þe bysshop in Norwiche, in þe 3er of oure lord crist a M^l.CCC.IIIJ^xx, þe 3er of oure Kyng Richard secounde þ^e iiij^e.

A light to be found in honour of St. Austyn.

ffirst, þat þei shullen meynten and fynden a light in þe same chirche in honor of þe selue seynt Austyn; and þis light eueri 3er þe shullen offerin vp eueri 3er in þe same chirche, an meynten and susteyn it vp-on here power, whil god 3ift hem grace, on þe sunday next a-forn þe feste of seynt Austyn, here avowe.

Mass, and offerings at the same time.

And on þat day þat þei offeryn here candel, alle þe bretheryn and sistrin of þis gilde shullen at þe offring of þe selue light, and herin a principal messe in þe same chirche, and offerin at þe messe.

Help to those fallen poor, sick, or in other mischance.

And if any broþer or sister of þis pouere gilde falle in any pouerte or secknesse, or any oþer meschef, be þe sendyng of crist, and he may nou3th helpe him-self with his owen godis, and he may nought ne haue nou3the to susteyne him self, he

* CCCX. 212–217. Condition, fair. This return is, like the last, made up in the form of a book. It has six leaves of vellum, each about eight inches long by five wide. Of these, only two leaves are written upon, but each of the latter is written on both sides. The front of the first leaf, which is otherwise blank, bears the indorsement given on the next page, and which is written in an entirely different style of hand from that in which the ordinances themselves are written.

shal han, of þe bretherin and sistrin, eueri woke, iij. pens, til þat he be recured.

Also it is ordeyned, þat any broþer or sister of þis gilde deye vij. mile abouten þe Cite, or with-innen þe cite, alle þe bretherin and sistrin shullen* ben at þen enteryng of þe dede corps, and offerin at his messe, and ȝeuen xxx.*d.* for xxx. messes singing for þe soule, and for alle cristen soules.

Those dying within seven miles of the city shall have burial-services.

[On the outer cover is written as follows :—]

Nomina societatis sancti Augustini :—Nicholas Bryan, Johannes de Shypdham, Johannes de Bukenham, et alii, &c.

Names of gild-bretheren.

Nomina societatis sancte Trinitatis :—Robertus Elyngham, Thomas de Hecham, Ricardus Gront, et alii, &c.

Names of bretheren of another gild.

Et memorandum, quod Johannes Alunday, Robertus Snape, et Robertus Elyngham, preter omnia alia, inueniunt ij. cereos et vnam candelam in ecclesia sancte trinitatis predicte.†

Names of certain donors.

* This word "shullen" is written twice in MS.

† As the present return touches only the "Poor Men's Gild" [of St. Austyn], it would seem that the last two of these paragraphs relate to some Gild the particulars of which were sent up at the same time with those of "The Poor Men's Gild." The Carpenters' Gild is stated to be "in honour of þe Holy Trinity" (before, p. 37); and the name of "Robert of Elyngham," mentioned in the lines added at the end of the ordinances of that Gild (before, p. 39), leaves little doubt that these two paragraphs refer to that Gild. But it is here stated that two waxes *and one candle* are found; while only two torches [of wax] are named in the return of the Carpenters' Gild. At any rate, it is odd that an indorsement should be found on the return of one Gild, touching another Gild, which must have been known to have made a separate return.

XV.

[The Saddlers' and Spurriers' Gild, Norwich.]

*Fraternitas de Sadelers et Spuriers Norwici.**

This gild is maintained by the [1] (*sic.*) saddlers and spurriers; and has not goods worth more than ten shillings.

Mdum de fraternitate, constitutione, et ordinatione, in honore beate marie et omnium sanctorum, de[1], in ecclesia conventuali de Carrowe, pro-ut in ordinacionibus per fratres et sorores ipsius fraternitatis factis plenius continetur. Que quidem fraternitas est sustentata et supportata cum Sadelers et Spuryerys ejusdem ciuitatis Norwici. Non habent terras, tenementa, redditus, nec possessiones, nec catalla, vltra valorem decem solidorum.

Ordinacio.

The gild was begun A.D. 1385.

To ye honor of oure lady seynt marie, and of alle halwen, yese ordenaunce of fraternyte of Sadeleres and Sporyeres, in ye cite of Norwyche, wern be-gunnen in ye yer of oure lordis birthe ihesu Crist, a thowsande thre hundred foure skore and ffyue, and perpetuelli schal ben holden a-forn ye ymage of oure lady at ye heye auter in ye chirche of nunnes in ye nunrye of Carrowe be-syden Norwyche.

These ordinances shall be kept so long as twelve of the gild live.

Thus it is ordeyned; yat ye bretheryn an systryn of yis fraternyte, as longe as xij. persones of yis gilde lyuen, yey alle han hoten an a-vowed, to ye honor of god, yat yey schuln mayntenen yese ordenaunces vnderwreten, vp here power and diligence, in worchepe of cryst and of his moder and alle halwen, and

* CCCX. 57. Condition, generally fair, but bad in parts.

amendement of here soules and alle crystene, in ye worchepe of holy chirche.

Frust, yat yey schuln fynden and meyntenen a lythe of to torchis of ȝax, of xxxij.*li.*, euery day brennynge at leuacioun of crystys body sacred, at ye hey masse, but no masse more.

Two torches shall be kept burning at the elevation of the host, at high mass.

And yis gilde schal ben holden euery yer on ye sunday nest after ye trinite; and alle ye bretheren and systeren han a lyuere of sute, to kennen ye bretheryn an systeryn, and for no oyer enchesoun.

The gild shall be held on the first Sunday after Trinity; and the members shall have a livery.

And on ye euen a-forn yis day, at ye aldermannes assygnement, alle ye bretheryn and systeryn yat ben in Norwyche, or oyer place yat may resonableche, schul comen to-gedere, in cause of deuocioun, and seyn a bede for alle ye brethere soules and systrys of yis gilde; and qwo-so faly of yis, he schal payn ij. pound of wax at here owen graunt, but it he may resonabli escuse hem be kyngges seruise.

All shall meet the evening before, to pray for their own souls.

Also, on ye morwen on yis day nest suwynge, be-time, alle bretheryn and systeryn schul ben to-gedere in crystis chirche, to heryn a masse at ye auter a-forn ye relikes, and euery of hem offere yere. And qwan ye masse is seyd, alle ye bretheryn an sisteren schul gon wyt ye alderman, in deuocioun, to ye place yer here lithe is ordeyned, and gon wyt ye lythe, in processioun, to ye nunrye of Carrowe, and yer heryn a masse and offeryn an *ob.*

Next morning, mass shall be heard, and offerings made; and all shall go, in procession, to the nunnery of Carrow.

Also, if any brother er syster deye in ye syte of Norwyche, alle ye bretheryn and sisteryn schal ben at his dirige, wyt to torchis of wax, and to pore men cladde.

On death within the city, all shall be at the dirge, and two poor men with them.

And also on yis manere ben at his masse and his enterynge; and euery offeryn a ferthynge, and ȝeuen an halpeny to almesse for yat soule and for al crystene.

The same at interment; and offerings and gifts shall be made.

And if he deye thre myle out of Norwyche, alle ye bretheren schul comen to his enterynge, wyt here to torches and to pore men cladde, and offeryn and don as for a brother.

Service on death within three miles of the city.

And if he deye wit-outen ye lystes of thre myle, and his mansioun and his houseld ben in ye cite, he schal do don a dyryge and messe wyt here lythe, and don elmesse.

Service on death beyond three miles.

On death of any one dwelling beyond three miles, all shall come to services at Carrow.

And any brother or sister yat duellen wyt-outen ye lystys of thre myle from ye cite deye, alle ye bretheryn and systeren schal don seyn for his soule, in ye chirche of ye nunrye of Carrowe, dirige and masse, an don for is soule as for any brother or sister forseyd.

Non sunt alique alie constitutiones ordinate in congregatione predicta.

[Indorsed on the above return is the following:—]

ffraternitas Sadeleres et Spuryeres de Norwico, tenta in ecclesia conuentuali beate marie de Carrowe, juxta Norwicum.*

* This return is written on a piece of vellum which has once formed two leaves of a book, of about the same size in the page as the one described before, p. 40 *note*, and with ruled lines on each side of each page. The two leaves have been flattened out, and the return is written across the ruled lines. But the mark of the fold of the pages, and the holes where the threads went through to hold these leaves as part of a bound book, are still plainly seen. Such facts as the use of this piece of second-hand vellum for this return, and the very unusual use of paper for the official writs (see *Introduction*, and after, Part II. No. I.), perhaps point to an unwonted scarcity of vellum at this time. On the other hand, it will be seen, by reference to the Gild of Garlikhith (before, pp. 3, 5), that paper was used in 1375 to write the Gild-ordinances upon; while an inferior specimen will be found mentioned after, p. 121 *note*.

XVI.

[Gild of St. Anthony, Lynn, Norfolk.]

*Statute Gilde Sancti Antoni, Lenne.**

In þe worchep of God of heuen, and of his modir seynt mari, and alle þe holy Company of heuen, and souerengly of þe Noble confessour seynt Antony, wt a grete deuocion þs ffraternite was be-gonne in þe toun of lenne, of men and women, lestenliche for to fyndyn, in chirche of seynt margare of lenne, be-forn þe ymage of seynt Antony, on candelle of j.*li.* of waxe, brennend euery festiuale dai thorow-out þe yere, in þe tyme of seruyse, in þe honour of god almyghty, and of þe holy confessour seynt Antony. Also it is ordeyned, be assent, þt alle þe men and women of þs fraternite wt a good deuocion shuln gon in fere, þe sonday nest aftir þe fest of seynt Antony, to þe Chirche of seynt margare fornseid, deuowteliche þer for to heren a messe of seynt Antony; and eueriche broþer and sistir shal offren an *ob.* in þe worchepe of god and of seynt Antony. Also it is ordeyned to hauen foure mornspeches in þe ȝere. þe first shal bene þe monday nest aftir þe fornȝeide soneday: þe secunde shal bene þe soneday aftir þe fest of seynt michel: þe thred shal bene þe soneday aftir þe fest of Epiphanie: þe fourte shal ben þe soneday aftir þe fest of seyntes Tiburs and Valerian in Aprille. Also ordeyned it is, þt what man or woman, hauened deuocion to þt holy confessour seynt Antony, þat wille comyn in to þis fraternite to ben broþer or sistir (be als mekil als þe forseide lyght, to þe worchep of god an holy Chirche, lestyngliche in tyme comyng, wt-outen help of mennys deuocion ne may not

Beginning of the gild.

The gild shall meet in church, and hear mass and make offerings.

There shall be four other general meetings of the gild in each year.

New-comers shall pay five shillings each.

* CCCVIII. 117. Condition, fair, except in the lower lines.

A wise Alderman shall be chosen; and four trusty Stewards; and a summoning Dean, and a Clerk.

be meyntened and kept), shal payne v.*s.* Also it is ordeyned, be on assent of alle þe company, to chesen an Aldirman, wyse and wittye, able and konyng to reulen and gouern þe company, to þe worchep of god an holy Chirche; and foure skeuaynes, trost men and trewe, for to kepyn and reseyuen þe goodes and þe katel of þe gilde; and on Dene, for to warnyn alle þe gild breþren and sistren, as is þe custum in þe fornseide toune of lenne; and on clerke, to wryten þe nessessariis of þe gild. Also what broþer or sistir of þs fraternite dye, þe Aldirman shal weten þe dene to seye, and þe Dene hastiliche bryngyn þe waxe to þe Derige, wt outen any lettyng, and sythen warnyn þe brethren and sistren to come to þe derige and gon wt þe Cors to þe kirke; and eueriche broþer and sistir shal offren *ob.* for þe soule. And also, what broþer or sistir of þis fraternite dye, he shal haue, of þe clene katel of þe Gilde, xx. messes songyn for his soule. Also, what broþer or sistir of þs fraternite lese hys katel þorow þe grace of god, or ellis falle in sekenes, where-þorow he may not helpyn hymselfe, þan ilke broþer and sistir of þs gild shal ȝeuen, ones in þe yere, j.*d.* to his sustenauns and releuyinge. Also ordeyned it is, þt þe clerke shal haue, for his trauaile in þe yere, xij.*d.*, and þe dene, for his trauaile, xij.*d.*

Burial services.

In cases of loss or sickness, help to be given.

Wages of the Clerk and the Dean.

The foregoing are the ordinances.

Be it knowe openliche to ȝow, be þeis presentes, þt we alle buxumlye vndirstondend ȝoure lettres sent to vs, seyend on þs manere, þt we shuld sende ȝow a kopy of our statuȝ, and also þe summe of our katelle. Weteth it wele þt þe summe of our katelle is xxxiijs. iiij.*d.** At my lord þe Kynges wille.

Goods of the gild.

* These figures are so much defaced that I cannot be quite sure of them; but I have little doubt that the sum, as given above, is right.

XVII.

[Gild of St. Thomas of Canterbury, Lynn.]

*Ordinaciones Gilde Sancti Thome Episcopi Cantuariensis, Lenne.**

In þe worchep and honor of Jhesu Crist, and of his mild modir seynt marye, and of alle þe holy Company of heuen, and specially of þe holy martir seynt Thomas of Cauntirburye, men and woman, þorow a grete deuocion to þe forseide martir seynt Thomas, hauend, in þe toun of lenne, þis fraternite be-gonne, in þe 3ere of our lord a thowsend CCC.LXX.VJ., lestendliche for to meyntene and fynden, be-forn a certayne ymage of seynt Thomas, in þe Chirche of seynt Nicholas of þe fornseid toun of lenn, on kandel of ij. pound of waxe, for to brenne in seruice tyme eueriche festiuale day in þe 3ere. And þis gild shal ben holdyn in þe day of seynt Thomas aftir þe feste of þe Natiuite of seynt ion þe baptist at midsomir. Þat day, eueriche broþer and sistir of þis gilde shuln seme-lyn in a certayne place, faire and honestliche arayde. And þan alle þe bretheryn and sisteryn of þis fraternite, alle to-gedir shuln wend to þe fornseide Chirche, þer for to heryn, wele and deuowteliche, a messe solempliche soungyn. And at þe messe, alle þe bretheryn and sisteryn shul offren *ob.*, in þe worchepe of god and of seynt Thomas. And þis gild shal haue foure mornspeches in þe 3ere. Þe first shal bene þe nest day folowend þe fornseid fest of seynt Thomas. Þe secund shal bene þe soneday aftir seynt mathue. Þe thrid shal bene in þe day of seynt Thomas in Cristmes. Þe fourt shal bene þe soneday aftir þe fest of seynt Pernele. Also ordeyned it is, be assent of þe bretheryn, to chese an Aldirman to reule þe Company, and

The gild was begun A.D. 1376.

The gild, all fairly arrayed, shall meet on St. Thomas's Day, and hear mass, and make offerings.

There shall be four other general meetings of the gild in each year.

An Alderman shall be chosen, and

* CCCVIII. 118. Condition, fair.

four Stewards, and a Dean, and a Clerk.

four skeuaynes to kepe þe goodes of þe gilde, and also a dene to warnyn þe bretheryn and sisteryn, as þe manere is, and also a Clerke to wryten and entryn þe þe[1] Names and þe nessessarijs of þe gild. Also it is ordeyned for to fyndyn, at þe feȝt of Estern,

[1] (*sic.*)

A large wax candle shall be kept burning.

ón kandel of xvj. pound of waxe, for to brenne a-bout þe sepulcre in þe fornseide Chirche of seynt Nicholas. And if any broþer or sistir of þis gild be ded, þe dene shal do þe Thorches comyn to

Burial services.

þe Derige, and warnyn alle þe gild bretheryn and sisteryn þt ben in toun, to comyn and offren *ob.* at þe chirche; and what broþer or sistir so comyn nout, he shal ȝeue *ob.* to Elmes for his soule. And if any broþer or sistir be ded, he shal haue, of þe propre katel of þe gild, xxx. messes soungyn for his soule wt-in þe

Wrong-doers shall be put out.

thredd day. Also, what broþer or sistir bere oþir any falshede, thefte, or wroung on hand, he shal lese þe fraternite perpetueliche.

New-comers shall pay five shillings each.

Also ordeyned it is, þt what man or woman þt wille comyn in to þs fraternite þorow deuocion of þt holy martir seynt Thomas, for to fyndyn, þe tyme comyng, þe fornseide lyght, to þe worchep of god and of seynt Thomas (be als meche as it may nout be found wt-out mennys Elmes and deuocion), he shal payne v.*s.* Also it

If any become poor, or have loss by sea, or by fire, or otherwise, help shall be given.

is ordeyned, be on assent of alle þe Company, þt what man or woman of þs fraternite þt falle in pouert, þorow losse on þe se, or þorow fire or any manere othir, sond of god, alle þe bretheryn and sisteryn of þis gild shul ben gadred in fere, and helpyn hym wt a porcion of here katel, vp here powere. Þeis ordennauns were

Assent to these ordinances.

ordeyned be on assent of alle þe bretheryn and sisteryn of þis gild, to meyntene and fulfillyn þeis forn statuȝ, to þe worchep of god and of seynt Thomas, to lestyn wt-outen ende. And þe

Wages of the Clerk and the Dean.

Clerke shal haue for his trauaile, iij.*s.*; And þe dene, for his trauaile in þe ȝere, xviij.*d.*

The foregoing are the ordinances

Be it open and knowen apertiliche vn-to ȝow, be þeis presentes, þt we fulliche vndirstondend þe lettres sent fro ȝour Chauncrye vn-to vs, shewend and seyend on þs manere, þt we shuldyn send ȝow a kopy of our statuȝ and þe summe of our katel. We do

Goods of the gild.

ȝow to wetyn þt þis is þe very kopy of our statuȝ, and þt xl.*s.* is þe ful summe of our katel, redy at our lord þe kynges wille.

XVIII.

[Gild of St. Leonard, Lynn.*]

He sunt ordinaciones Gilde sancti Leonardi Confessoris de Lynne.

In honore sancti leonardi confessoris. In þe worchep of god alle-myghti, and of his modir seynt mary, and of alle þe holy company of heuen, and specially of þe holy confessour seynt leonard, þis Gilde was be-gonne in Damgate in þe toun of Lenne, þorow þe deuocion of men and women, to fyndyn be-forn on ymage in þe Chirche of seynt Jame of lenn, in þe worchep of god and of seynt leonard, on Candelle of j.*li.* waxe, to brenne ouery festiuale day in þe ȝere, a-forn þe ymage of seynt leonard. Alle-so it is ordeyned, be on assent of alle þe bretheryn, þat eueriche brothir and sistir shal offren at þe Chirche of seynt Jame, on þe soneday nexte aftir þe fest of seynt leonard, *ob.*, in þe worchep of god and seynt leonard. Alle-so it is ordeyned, be on assent of þe brethren, to haue foure morspeches in þe ȝere. Þe firste shal bene þe moneday neste aftir þe forseide soneday. And at þt mornspeche, þorow on assent of alle þe brethen, to chesen an Aldirman, wise and able to reule þe Company to þe worchep of god; and also foure men for to reseyuen and kepyn þe katel of þe Gilde; and also on certayne Oficere to warnyn alle þe brethren to comyn to chirche; and also on clerke, to wryten þe katel of þe gilde. Þe secunde morspeche shal bene aftir þe Purificacioun of our leuedy. Þe thred, aftir þe feste of Phelip and iacob. Þe fourte, aftir þe feste of seynt Petre ad uincula. Alle-so it is ordeyned, be on assent of þe brethren, be als mechil as þe lyght

Beginning of the gild.

There shall be four general meetings every year. At the first, there shall be chosen an Alderman, four Stewards, a Dean, and a Clerk.

* CCCVIII. 119. Condition, fair; except in the lower lines.

New-comers shall pay three shillings each.

fornseide ne may nout be meyntened in þe tyme for to come, euery man þt wille wt good deuocion comyn in-to þs ffraternite,

Burial services.

shal pay iij.*s*. Alle-so, if any brothir or sistir deye, þe aldirman shal comand þe Oficere to warnyn alle þe bretheryn and sisteryn to bryng þe Cors to þe chirche, wt waxe brennend, and þe waxe for to brenne in þe tyme of seruice. And euery broþir and sistir shal offren at þe messe for þe body *ob*. 3efe any brothir or sistir

In case of loss by sea, or other mishap, help shall be given.

of þs Company be in any mischefe, þorow losse of þe se, or any other myshappes, þorow goodes sond, þe company shal ben gadered to-gedir and helpyn hym. 3efe any broþer or sistir of

If death outside the town, the body shall be fetched at cost of the gild.

þs gild dye wt-in a mile a-bouten, and haue nout whereof to bryng hym to þe erthe, þe Aldirman and þe gilde brethren shuln wend and bryng hym to þe erthe on þeire owe costages. And if any broþir dye wt-in þe iij. mile aboutyn, þe Aldirman shal gon and beryne hym, or ellis hyren a man of here costages to bryng hym

Prisoners shall be visited and comforted.

to þe erthe. Þere shal no broþir ne sistir sene othir in prison, þt he shal comyn and vesyten hym, and comfordyn hym in his powere. Also, if any broþir or sistir of þis gild dye, he shal haue xv. messes songyn for his soule. Also, what man or woman of

Rebels against canon law, shall be put out.

þis gilde be rebel ageyne þe lawe of holy chirche, he shal lese þe fraternite of þis gilde tille he come to amendment.

Be it open to 3ow, be þs presentes, þt we fulliche vndirstondend 3our lettres sent to vs, seyend on þs manere, þat we shuld send

Goods of the gild.

3ow a kopy of our statu3, and also þe summe of our katel. We do 3ow openliche to wetyn, þat þe summe of our katel is xxi.*s*. viij.*d*., redy to our lord þe kinges wille.

XIX.

[The Gild of Young Scholars,] Lenne.*

Hee sunt ordinaciones et consuetudines gilde sancti Willelmi, Lenne Episcopi.

In þe worschip of ihesu crist, and of his modyr seynt marye, and of þe holy martir seynt Wiliam, a fraternite was begonne, in þe ȝer of oure lord M^l.CCC.LXXX°.IIJ^o., of ȝonge scolers, to mayntene and kepen an ymage of seynt Wylyam, standyng in a tabernaklé, in þe chirche of seynt Margarete of Lenne, fyndende aforn þe forseyd ymage vj. tapers of wax, brennende iche festiual day, to þe worschip of god and of his modyr marye, and of seynt Wiliam þe holy martir. The gild was begun A.D. 1383.

Also afterward, men seende to þe deuocioun don in holy chirche, and hauende affeccioun to þe holy martir seynt Wiliam, askynd þe fraternite, ȝeuende of here fre wylle, eueryche after her power, to mayntene and to kepen þe forseyd ymage, withe þe lighte, in þe forseyd chirche, also longe as her catel myghte endure. Gifts in support of the gild.

Þan afterward, be assent of þe breþeren, ȝernende to ben encresyd, to þe worschip of god, was ordeynd þ^t what broþer deyed of þe fraternite of seynt Wiliam, schulde haue of þe godys of þe gilde, withe-outyn any delay, xxiiij. messis to helpyng of his soule, and also, at þe day of his beriyng, eueryche broþir, quiche myghte leeffully, schulde come and gon w^t þe cors to chirche, and offren as þe maner is vsyd in þe toun of Lenne. Burial services.

Also ordeynd it was, be on assent of þe forseyd fraternite,

* CCCX. 65. Condition of what remains, fair; but fully one-third destroyed.

Help in case of poverty, loss at sea, or other mishap.

þt quat broþir felle in-to pouerte, be losse of þe se, or any mys-happe of þis werd[1], he schulde, foure tymes in þe ȝere, ben releued withe þe godys of gilde, be on assente of þe breþeren, as þei sowen here godys myghte suffysen.

[1] (*sic.*)

Three speakings together of the gild shall be held every year.

Also it was ordeynd, be on assente of þe forseyd fraternyte, for to haue a spekyng to-gedyr thre tymes in þe ȝer: þe fyrst, þe sonday after seynt micael þe arcaungyl; þe secund, þe son-day after þe fest of þe conuersioun of seynte poule; þe þird, after þe fest of philip and jacob. In quiche dayes þe maister of þe gilde, wiþ on assent of þe breþeren, schulde sen þt þe godes of þe gilde were spente and kepte vppe þe askyng of þe forseyd or-dynauncys, to þe worschip of god and of his moder marye and of seynt Wiliam þe holy martir.

Accounts shall be then rendered.

All the bretheren shall go to church on one day in the year, and hear mass, and make offerings.

Also ordeynd it was, be on assente of þe fraterniite, þt þe general day schulde ben helde [*vppon*] þe feste of reliques, in þe chirche of seynt margarete atte Lenne. In quiche feste all [*þe bretheren*] quiche myghte leeffully comen, warned be þe officer of þe gilde, schulde come in[*to a ho*]nest place, honestliche and peysiblyche to gon to þe forseyd chirch, þere to here[*n a messe in*] þe worschip of god and of seynt Wiliam, offerend atte messe as devocioun of.....; and also, on þe same day in special, to haue a messe of requiem for [*þe soules of alle*] þe breþeren and þe gode doers of þe forseyd gilde. And alle breþeren [*schul come to þis messe*] of requiem, to offren.

Mis-doers shall be put out of the gild.

Also ordeynd it was, be on assente of þe breþern of þe .....
liche were prouyd rebel ageyn þe kyng, his lige lord, ...
[*un*]buxom a-geynes þe lawes of *holy chirche, schulde .....
fauour and þe benefis of þe forseyd gilde .....
kyng, and reconsiled be holy chirche, to his sta.....

Officers shall be chosen.

Also ordeynd it was, be on assente of þe breþeren, ...
man wyse, and a-vyse and profitabyl to þe.....
a clerk, to wryten and entren þe name .....
of þe forseyd gilde; and also .....
and leeffull vsages ordeyned. .....

* "þe" was written before "holy," but has been erased.

Also ordeynd it was .....
messys, and oþer costes .....
encrese of godys .....
....if he .....
....eueriche b .....
seyl of .....
.....
as þe godes.....*

Also, for as myche as we weren beden, be vertu of þe .....
....., to certefyen 3u of godes and chateux, we do 3u to witen þat þe fraternite [*quiche we*] haue late be-gonne, hat3 dispent in þe chirche of seynt margarete, to þe worschip of god and seynt Wiliam, aboute honest werkys named in þe forseyd ordinauncys, þe godes quiche han be 3ouen of þe breþeren comend into þe fraternite, to be spent in þe ordynauncys and þe leefful vsages forseyd. Wherfore, as children in 3onge age, hopyng in tyme comyng to haue ben encresyd be help and counseyl of wyse men, oure godes han dispent as we han forseyd; no catelle kepende,—trostende, as children, withe 3iftes to ben amendyd.

All the goods of the gild have been spent.

We hope to have more gifts made to us.

Expliciunt.

Johannes Goldsmyth est Magister et Custos Gilde supradicte.†

* In cases like the present, where a large part of the original has been destroyed, the blanks thus left will not be filled up, as it is impossible, where the words wanting outnumber those that are left, to restore the former with certainty. The blanks thus appearing in the print by no means equal what is lost in the original; but they show how many lines, or parts of lines, have become irrecoverable.

† These words are written in another hand and ink.

XX.

[The Shipmanes Gild, Lynn.*]

Statuta de Gilda Exaltacionis sancte Crucis, vocata Shipmanesgilde, de Lenn.

The gild was begun A.D. 1368.

In ye honr of ihesu cryst of heuene, and of his modir seynte marie, and of alle holy halwyn, and specialeke of ye exaltacion of ye holy crouche, in septembre yis fraternite is funded and stabeled, and, be ye grace of god, euere more to lasten, in ye 3er of oure lord a Thousand CCC.LXVIIJ. And yis fraternite schal haue iij. morwespeches be 3ere, and mo if it nede be. Ye ferste morwe-speche xal be after ye drynck: ye toyer xal be ye sunday after candilmesse day: ye thridde xal be ye sunday after ye Natiuite of sen Jon day, baptist. And if yese morwespechyis be-forn inemed be nouht holdyn at ye serteyn day a-sygned, ye aldirman xal heldyn hem at wat tyme he set3 most profyte to ye gylde. And if any broyer be somound to any morwespeche, and he be in toune, and wil nouht come, ne no leue haue of ye aldirman, he xal paye a pound of wax to ye lyt3. And if ye den fayle of hys somouns, he xal paye, for euerilk broyer y^{t} is in toune and nowt somouned, iij.*d.*, but if he haue grace. And qwo-so be chosen in office of aldirman, and he for-sake his offyce, he xal paye, to amendement of ye gylde, iij.*s.* And qwo is chosen in office of skeueyn, and he for-sake ye office, he xal paye ij.*s.* And ye den, xij.*d.* And qwo-so entre3 in-to thys fraternite, he xal paye ye rytes of ye hows, at his entre, viij.*d.*; y^{t} is for to wetene, to ye aldirman, iiij.*d.*; to ye clerk, ij.*d.*; and to ye den, ii.*d.*; and fynden two suffysaunt borwes to make payment of ye

Three meetings shall be held every year, on days named, or as the Alderman shall appoint.

Every brother must come to every meeting, if able.

The Dean shall be fined if he fail to summon any.

Officers chosen, and not serving, shall be fined.

New-comers shall pay the usual house-fees and entrance-money.

* CCCX. 156. Condition, bad; and a fourth of the whole destroyed.

catel for his entre in ye ferste ȝer. And if any broyer of yis fraternite be ded in thys toun, ye den xal do come ye candelis of ye gylde to ye dirige, and warne alle ye gylde breyeren yᵗ ben in toune to comyn, and go wit ye body to chirche, and offre yere an halpeni at ye messe for ye soule. And if ani broyer be ded wit-owten ye toun, ye aldirman xal do ye belleman gon for ye soule, and ye den xal somoune alle ye gylde breyeren, and don as it is aforn-iseyd. And qwo-so is somouned, and come nouht, he xal paye, at nest morwespeche, to lyth, a pound of wax. And enerilke broyer of yis fraternite yᵗ is ded, xal haue for his soule xl.*d.* to messes. And qwo-so be rebel or vn-buxum ageynȝ ye aldirman, in time of drynck or of morwespeche, vnskylfulleche, he xal paye to ye lyht iiij.*li.* of wax. And if ani broyer be rebel ageynȝ oyer, he xal paye iij.*li.* of wax. And if ani broyer of thys fraternite bere oyer ani falsed on hande, or wronge, and it may be proued, he xal paye iij.*li.* of wax, and sythen make pes to hym yᵗ he hatȝ trespased ageyn, be asent of ye aldirman and of men of ye counseyl. And qwo-so discuretȝ ye counseyl of ye gylde of yis fraternite to ani straunge man or wymman, and it may ben proued, or ....., xal paye to ye lyht ij. ston of wax, or lese ye fraternite tyl he may haue grace. And ordeyned is, yᵗ [*ye catel of yis*] fraternite yᵗ ye skeueynes xuln haue on hande, it xal be deliuered to hem be suffisaunt borwes, and be ..... bryngen ye catel, wit ye encresement, at ye general morwespeche, by-forn ye alderman and ye gylde [*breyeren. And none xal be re*]bele or lettynge, so yᵗ ye catel of yis fraternite in no maner be lessid, vp ye peyne of ilk a skeuey[*ne, of .. pound wax, or his bor*]wis for hym. Also ordeyned is, yat no broyer of yis fraternite xal geue no wed an borw on oyer ..... in til no plase, for dette ne for trespace, ne for non oyer cause, tyl swilk tyme yᵗ he hatȝ .... of yis fraternite, and to ye breyeren yᵗ ben chef of ye counseyl. And ye alderman and ye .... And if yei moun nowt acorden hem, ye alderman xal geuen hem leue to make [*her suyt at ye commune law.*] And qwo-so do nowt as it is aforn iseyd, he xal paye to

Services for the dead, and offerings.

The bellman shall summon all.

Masses for souls of the dead.

Unruly bretheren shall be fined.

One wronging another shall be fined, and shall make peace.

Penalty for disclosing the affairs of the gild.

The Stewards shall render an account of the goods of the gild, and of the year's profits, at the yearly general meeting, under penalty, to be paid by themselves or their sureties.

No gild-brother shall give pledge or become surety for another, in any plea or suit, without leave of the Alderman and others.

The Alderman, &c., shall do their best to adjust the quarrel; but, if unable, shall give leave to make suit at law.

Fine for disobedience.

Allowances to the officers on feast days.

Help to poor brethren.

ye lyht3 a ston [*of wax. And ordeyned is, y^t ye aldirman*] xal haue, euere-ilk day wil ye drynck lestet3, ij. galouns of ale; ilk aske[*ueyne, j. galoun; ye clerk, ...; and ye dene, ... And*] ordeyned is, y^t if ani broyer of yis fraternite be in pouerte, or in ani mysch[*eif, so y^t he may nowt of hys owene hol*]pen hymself, yan xal he ben holpyn wit ye comoun catel of . . . . . yeren, and wit here owyn catel if it nede be.

Payments shall be made for every voyage; and a yearly payment if no voyage made.

Also ord[*eyned is, y^t euereilk broyer of yis gylde*] xal paye to ye lyht3, for ilk a fare, vj.*d.*; and he . . . . . and maket3 no fare, he xal paye, be 3ere, to am . . . . . ye ale lyt3, wit-outen leue of men of ye offis . . . . . alderman is chesen in his offys he xal . . . . . fraternite and ye statutis y^t ben . . . . . .

The ale-chamber not to be entered.

New-comers shall swear to maintain the ordinances of the gild.

. . . . qwan ye alderman is . . . . .

hom wit ye aldirman. And qwo-so make defaute, and do nouht as it is aforn-iseyd, but if he haue leue of ye aldirman, he xal paye a pound of wax, or lese ye fraternite. Fine for default.

In festo sancti Dunstani, Episcopi, anno Domini M.CCC°. LXXX^mo. primo :—Ordeyned is, y^t if ani broyer of yis fraternite be ded witz-outen ye toun of Lynne, yan xal ilk a broyer of yis fraternite y^t is in y^t place, xal comyn and gon wit ye cors to cherche, worchepefulleke, and offere yere an halpeni, and be yere tyl he be beried. And qwo-so do nowt as it is aforn-iseyd, he xal paye, to amendement of yis fraternite, ij. pound of wax, or lese ye fraternite. A new ordinance, A.D. 1381. Burial service in the case of any brother dying outside the town.

In festo sancti bartholomei apostoli, anno domini M°.CCC°. LXXXIJ°. :—Ordeyned is, y^t ani broyer of yis fraternite be dede in west Lynne, or in south Lenne, ye den xal do comen ye torches of ye gylde to ye dirige, and warnen alle ye gylde breyeren y^t ben in toune, and gon and don as it is aforn iseyd. Another new ordinance, A.D. 1382. Burial service for those dying in West Lynn or South Lynn.

[Traces of two lines more are found on this return; but nothing can be made out, save that the goods of the gild were there named.]

XXI.

[Gild of the Nativity of St. John the Baptist,] Lenne.*

In ye worchipe of ihesu crist of heuen, and of his der worthi moder seynt mare, and of all hallowen, and specialyke of ye Natiuite of seynt Jone ye Baptist, in quose worchipe yis fraternite is be-gunnen, be ye sent of alle ye breyeren and systers of yis gilde, to haue yre mornspeches be ye ȝere. Ye fyrst schal be ye next souneday after ye general day: ye secunde schal be ye souneday be-fore hallomese day: ye yre schal ben ye souneday be-for Pentecost. Also, if anny broyer or sister be somonde to anny of yis mornspeches, and he be in tone, and wil noght come, ne make non atturne for home[1], ne non leue axken of ye Alderman, he schal pay, to amendement of ye lyght, *di.* pounde of waxe, bot if he haue grace. And if ye deen faylith of his somonse, for euery broyer or syster, j.*d.* And who-so entres in to yis fraternite, he schal pay to ye ryghtes of ye hous; y^{t} is for to say, to ye Alderman, j.*d.*; ye clerk, *ob.*; ye deen, *ob.*; and to ye waxe, *ob.* And if anny broyer or syster of yis gilde be dede, ye deen schal brynge ye candeles of ye gilde to ye diryge, and warn all ye breyeren and systers of ye gilde to come offere wyth ye dede a q^{r}., and a q^{r}. to ye almes. And he y^{t} offers noght for ye dede, he schal paye, to amendement of ye lyght, j.*d.* And who-so be-wreys ye counseil of ye gilde to anny straunge man or woman, and hit may be prouid be anny broyer or sister of yis gilde, he schal pay, to amendement of ye lyght, a pounde of waxe. And if ye Alderman be chosen, [*and for*]sake is office, he schal pay, to a[*mendement*] of ye lyght, ij. pounde of waxe;

Three meetings shall be held every year, to which every brother and sister must come, under penalty.

[1] (*sic.*)

The Dean shall be fined, if he fail to summon any.

New-comers shall pay the usual house-fees.

Services for the dead, and offerings.

Penalty for be-wraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

* CCCX. 165. Condition, bad.

eiyer skyueyn, *di.* pounde; and ye deen, *di.* pounde of waxe. And if anny broyer or sister be dede of yis gilde, he schal haue messes for his soule, of ye propere cattel of ye gilde, y^t^ his for to weten, xx̄j. messes. And who-so entres in to ye chaumbre yer ye ale lyth in, and askes no leue of ye officers of ye gilde, he schal pay, to amendement of ye lyght, j.*d.*, bot he haue grace. Also, ye deen schal haue for his travayle, be ye 3ere, vj.*d.*; ye clerk, viij.*d.* Also, ye skeueyns y^t^ hath ye catel of ye gilde, yei schal fynde borowes of ye catel, to bryng hit before ye Alderman and ye gilde breyeren and systers atte ye general mornspeche; and if he do noght, he schal pay, to amendement of ye lyght, ij. pounde of waxe, bot if he haue grace. And y^t^ no man dwelle longer in ye hous yer ye gilde his holden in, yen ye Alderman. He y^t^ doth, schal pay, to amendement of ye lyth, j.*d.*, bot he haue grace. And ye Alderman schal haue, for his ffesse in tyme of drynkyng, ij. galons of ale; euery skeueyn a galon; ye clerk a potel; and ye deen a potel. Also, if anny broyer or syster be seke, in tyme of drynkyn, he schal haue a potel of ale. Also, if anny broyer or syster fallyth in pouerte, and may noght helpe hym-selfe, he schal haue, of euery broyer and syster, atte every mornspeche, j.*d.* And who-so entret3 into yis fraternite, he schal pay for his entre ij.*s.*, and fynde ij. borowes for ye catelle.

Masses for souls of the dead.

The ale-chamber not to be entered.

Salaries of the Dean and the Clerk.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

No man shall stay in the gild-house after the Alderman has left

Allowances to the officers on feast days, and to sick bretheren and sisteren.

Help to poor bretheren and sisteren.

Entrance money.

Johannes Tyringtoun
Robertus Thornegge
Willelmus ffolkarde
} Sunt custodes dicte gilde; et habent, de bonis ejusdem,...

The stewards of the gild.

XXII.

[Gild of St. Thomas of Canterbury,] Lenne.*

Four meetings shall be held every year, to which all must come, under penalty.

Yese ben ye status off ye gylde of seynt Thomas of cauntyrbury. And ordeynyd it is, yat yis gylde shal haue iiij. morwe-speces be ye ȝere. Ye fyrst morwe-speche shal ben ye soneday next aftyr ye drynkynge: ye next shal ben ye soneday be-forn halwemesse day: ye yredde shal ben on ye soneday be-forn Lammes day: ye ferde shal ben ye soneday be-forn wyth-sounday. And ho-so ys somownd to yese morwe-specys, and yei ben in towne, and wil nowt come, he shal pay, to amendement of ye gylde, half a pownd of wax. And who-so

New-comers shall pay the usual house-fees.

entrys in to y^{s} fraternete, he shal pay to ye ryȝtys of ye hous; yat is for to say, to ye alderman, j.*d.*; ye den, *ob.*; ye clerk, *ob.*;

Attendance at meetings must be punctual.

ye wax, *ob.* And ho-so komys aftyr prime be smytyn, he xal pay, to amendement of ye lyȝthe, j.*d.* And what broyer or syster of yis gilde be ded, ye den shal don ye candelys of ye gylde to

Services for the dead, and offerings.

ye dyryge; and euery broyer and syster shal offeryn ij. q^{r}tre and j. q^{r} to ye almes: and he yat offeryt nowt, he schal at ye next morwe-speche, to ye helpynge of ye lyȝth, j.*d.* And

Masses for the soul.

who-so be ded of yis gilde, he shal haue messys for his soule xxvj. And who-so entrys into yis fraternite, he shal pay to ye

Sureties and entrance-money of new-comers.

ryȝthys of ye hous, and fynde to Borwys of ye catel, and he shal payen for hys entre xl.*d.* And ye aldyrman shal haue,

Allowances to the officers on feast days.

euery day, to hys fyse, tyl ye drynk lastes, ij. galonys of ale; euery skeuen, a galon; ye clerk, j. potel; ye den, j. potel. And

Help to the poor.

who yat fallyth in pouerert, and askyth helpe of ye gilde, euery broyer and syster of ye gylde shal gyue, every morwespeche, j.*d.*

* CCCX. 167. Condition, bad; a part destroyed.

And who-so ys cho3yn in office of aldyrman, and he for-sake hys office, he shal pay, to amendement of ye ly3th, ij. pownd of wax; euery* skeueyn a pownd of wax; and ye deu *di.* pound of wax. And who-so be [*seke*] in tyme of drynkyng, he shal have o[*ne galoun*] of ale. And who-so make any noyse [*in tyme of dryn*]kyng, wher-thorw ye breyere and [*sisteren shul be*] greuyd, he shal pay, to amende[*ment of the ly3th,*] *di.* pound of wax. And ordeyn[*yd it is, yat the skeueyns*] shul brygge ye catel of ye [*gylde, atte general morwe-speche,*] be-forn ye aldyrman [*and ye gylde breyeren and systeren,*] ope ye peyne of [..... *And 3if ye*] den falyeth of hys [*somouns, he shal pay, for*] euery man and womman [..... *And who-so be-wrayeth*] ye counseyl of ye gilde [*to anny straunge man or womman,*] he schal pay, to amende[*ment of the gylde,* .... *pound*] of wax. And who-so entrye[*s into ye chaumbre*] yer ye ale lyggys in, wyth-oute le[*ue of ye officers*] he shal pay, to amendement of ye lyght, *di.* pound of wax. And yat noman sitte lenger yan ye alderman, in payn of a pownd of wax.

Officers chosen, and not serving, shall be fined.

Allowances to the sick.

No noise to be made during feast-time.

The Stewards shall render an account of the goods of the gild at the general meeting.

The Dean shall be fined if he fail to summon any.

Penalty for be-wraying the affairs of the gild.

The ale-chamber not to be entered.

No man shall sit at feast longer than the Alder-man.

Ricardus Harpole
Willelmus ffolkarde
Johannes Patyrmak
Rogerus Broun

} Custodes dicte Gilde, habent, equis portionibus, de bonis dicte Gilde, xl.*s.*

The Stewards, and the goods of the gild.

* This word is written twice over in the original.

XXIII.

[Gild of St. Peter,] Lenne.*

The gild was begun A.D. 1329.

This ys ye statuȝ of ye gylde of ye holy apostyl sente peter, by-gunnyn in ye toune of Lenne, in ye wrchepe of god and of oure lauedi sente marie, and of ye holy apostyl sente peter, in ye yere of oure lord M°.CCC^mo.XX. nono.† And yis gyld schal haue foure morne-spechis in ye yer. Ye frist schal bene after ye drynkyng: ye secund schal ben ye sonday nest be-fore mielmes day: ye thyrd schal be ye sonday nest be-fore candelmes day: ye ferd schal be ye sonday nest be-fore sent austenis day in may. And at euery morne-speche, eueriche broyer and syster y^t longythe to yis gyld schal pey an halpeny, to meyteyn wit-al a lythe brennynge in ye chyrche of sent Jame, a-fore ye ymage of sent peter, ye quile yat deuine seruise is seyd in festiual dayys. And quo-so be somund to any morne-speche, and hè be in toune, and wyl not come, ne make non aturne for hym, he schal a peny to ye lythe. And if ye dene faly of hys somonis, he schal peyyn, for eueriche y^t is not somonde, j. peny to ye lythe. And eueril yere schal ye alderman clepyn up iiij. men of ye gyld, to chesyn an alderman, skyueyns, and den, y^t ben profeth-abil to ye gyld. And if any of hem y^t is schosyn for-sake is offyse, he schal peyyn to ye lythe: y^t is forwetyn, ye alderman, j. pound of wax; eueriche skeueyn, *di. li.* wax; and ye dene, a quarter. And if any broyer or syster of ye gyld be ded, ye den schal do comen ye candelis to ye dyrige, and somon al ye cumpanye for to gone wit ye corse to chirche

Four meetings shall be held every year; at each of which every brother and sister shall pay a half-penny, towards maintaining a light burning during divine service.

Penalty for not coming to any meeting.

The Dean shall be fined, if he fail to summon any.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall be fined.

Services for the dead, and offerings.

* CCCX. 168. Condition, very bad.

† The MS. is so much damaged that I cannot be certain whether the date is not M.CCC.XXXIX, instead of M.CCC.XXIX.

and offeryn. And if he ne wil come, and he be in hele and in toune, he schal peyyn, at nest morne-spech, to ye almes for is soule, ij. pens. And eueriche broyer and syster yt is ded of ye gyld, he schal haue for is soule xxti messis. And ye alderman and ye skeueynis schullyn, do synge ye messis wit-in ye thyrd day after he is ded, on ye perile of here soulis. And ordeynid it is, yt ye catel of ys gyld ye alderman schal delyuere to ye skeueynis, be sufficient borus to bryngyn ye catel ageine at ye general morne-speche, be-fore ye alderman and ye gyld bretheryn, of peyyne of ij. *li.* wax. And ye alderman schal hauen, eueriche day ye qwile ye general drynkkynge lestyt, ij. galonis hale for is fees; eueriche skeueyne, j. galon; and ye den, j. potel; and ye clerke, j. potel. And quo-so enter into yis gyld, he schal makyn feythe to ye alderman for holdyn of yeyse statutis: and sythen peyyn ye rythys of ye house; yt is for wetyn, to ye alderman, j. peny; ye clerk, j. peny; ye den, *ob.*, and to ye wax, *ob.*: and sythen mak god hys entrees, if ye cumpanye and he is acordid, or elis fyndyn borws to peyyn wt-ynne certeyn dayis. And ye dene schal haue, for is traualye in ye ȝere, vj.*d.* And also ordeynid it is, yt qwat broyer or syster bere oyer ani falsed or ani wronge on hande, or ....., and it may be prouyd be men of ye self gyld, he schal payyn, to ye reparacion of ye lythe, *di. li.* wax. And qwat broyer or syster falle in pouerte, and may nout helpe hym-self, yanne schullyn ye breyeryn and ye systeryn helpyn hym of here almesse.

Any one not coming, if able, shall be fined.

Masses for the soul.

The Alderman shall deliver the goods to the Stewards, upon surety given to render account thereof at the yearly general meeting.

Allowances to the officers on feast days.

New-comers shall undertake to keep these statutes; and shall at once pay the usual house-fees; and, at the same time, shall pay the entrance-money, or find sureties.

The Dean's salary.

Any brother or sister wronging another, shall be fined.

Help to poor bretheren.

ȝis is ye verye copie of ye gylde of sent Petyr ye apostyle, holdyn in Lene afore-seyde, wrytyn on ye feste of seynte hillari, Anno Domini millesimo cccº octogesimo octavo.

This is a true copy, and was written on 13th January, 1388 [9].

[A list of some names, with other memoranda, follow the above in the original; but they have become entirely illegible.]

XXIV.

[Gild of the Purification,] Lenne.*

Thys ys the Gylde of the Purificacion of owre lauedy seint marie, bygunnyn in the toune of Lenne, in the worchype of god and of oure lauedy seint marie: and it schal ben holdyn on candelmesse day. And thys gylde schal han iij. morwespechys be yere. The fyrste schal ben on seint Blasyes day: the secounde schal be the soneday nexte after the feste of seinte Barnabe apostole: the thrydde schal be the soneday after the feste of seint Dyonisii. And euery yer schal the Alderman callyn vp foure men of the gylde bretheryn, for to chesyn alderman and skyueynys that ben profitable for the Gylde. And if any of hem that arne chosyn forsake the office, he schal paye, to amendement of the Gylde, xij.*d.* And if any brothyr or syster be deed, the Deen schal do comyn the candelys of the Gylde to the dirige, and euery brothyr and systyr schal offere j.q^{r}. for hys soule. And euery brothyr and systyr that deed ys, schal han, of the catelle of the gylde, xl. messes, wythynne the thrydde day after hyse deth. And who-so entre into this ffraternite, he schal paye, to the amendement of the gylde, xl.*d.* Also, if any brothyr or systyr of this gylde be in meschef, euery brothyr and systyr schal yeuyn hym iiij.*d.* yche yer, tyl he may helpyn hym-self.

The gild shall meet on Candlemas day, and have, besides, three meetings every year;

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall be fined.

Services for the dead, and offerings.

Masses for the soul.

Entrance-money of new-comers.

Help to those in trouble.

The Alderman and Stewards; and the goods of the gild.

Walter Glouere, Aldirman.

Wiliam Gedyngton, Johannes Payabele, Rogerus Folsham, Willelmus Waltham } Skeueynys; and han in hande, of the catelle of the Gylde, xxxviij.*s.* viij.*d.*

* CCCX. 185. Condition, good.

XXV.

[Gild of St. Mary,] Lenne.*

In ye worchippe of ihesu crist of heuene, and of his dere worthi moder seynt mare, and of ye Purificacioun, in quose worchippe yis fraternite is be-gonone. Be ye sent of ye breyere and ye systeres of ye gilde, to haue iiij. mornspeches be ye ȝere. Ye fyrst mornspeche schal be on ye general day, after mete: ye secunde schal be on ye souneday next after seynt Dunstoun day in may: ye yre schal be ye souneday next after seynt Mathew day: ye ferde schal be on ye souneday be-forn seynt Thomas day be-for Cristenmes day. And al-so if anny broyer or syster be somonde to anny of yis mornspeches, and he be in toune, and wil noght come, ne make non attᵉne for hym, ne non leue askyn of ye alderman, he schal pay, to amendement of ye lyght, *di.* pounde of wax, bot he haue grace. And if ye deen faylith of his somonse, he schal pay, for euery broyer or sister, j.*d.* And who entres in to yis fraternite, he schal pay ye ryghtes of yé hous; yᵗ is for to say, to ye Alderman, j.*d.*; ye clerk, *ob.*; ye deen, *ob.*; and ye waxe, *ob.* And if anny broyer or sister of yis gilde be dede, ye deen schal brynge ye candeles of ye gilde to ye dirige, and warn al ye breyere and sistere to come ofter, wit ye dede a qʳ, and a qʳ to ye almes: and he yᵗ offeres noght for ye dede, he schal pay, to amendement of ye lyght, j.*d.* And who-so be-wreys ye counseyl of yis gilde to anny straunge man or woman, he sal pay, to amendement of ye lyght, a pounde of waxe. And if ye Alderman be chosyn and he for-sake is offece, he schal pay, to amendement of ye

Four meetings shall be held every year; to each of which every brother and sister must come, under penalty.

The Dean shall be fined if he fail to summon any.

New-comers shall pay the usual house-fees.

Services for the dead, and offerings.

Penalty for be-wraying the affairs of the gild.

Officers chosen, and not serving, shall pay a fine.

* CCCX. 203. Condition, bad.

lyght, ij. pounde of waxe; every skeuyn, *di.* pound; ye den, *di.* pounde of wax. And if anny broyer or syster of yis gilde be dede, he schal haue messes for his soule of ye propere catel of ye gilde, y^t^ is for to weten xij. messes. And who-so entres in to ye chaumbere yer ye ale lyth in, and askes nou leue of ye offesers of ye gilde, he schal pay, to amendement of ye lyght, j.*d.*, bot he haue grace. Also, ye deen schal haue for his trauayle, be ye 3ere, vj.*d.*; ye clerk, viij.*d.* Also, ye skeuens y^t^ hath ye catalle of ye gilde, yei schal fynd borowes for ye catalle, to bryng hit be-for ye Alderman and ye gild breyere and sisters of yis gilde atte general mornspeche. He y^t^ do noght, he schal pay, to amendement of ye lyght, ij. pounde of wax, bot if he have grace. And y^t^ no man dwelle in ye hous yer ye gilde his holden in, lenger yen ye Alderman: he y^t^ doth, he schal pay, to amendement of lyght, j.*d.*, bot he have grace. And ye Alderman schal haue to his fesse, in tyme of drynkyn, ij. galons of ale; euery skeuen, a galoun; ye clerk, a potel; and ye Deen, a potel. Also, if anny broyer or syster be seke, of yis gilde, in tyme of drynkyng, he schal haue a potel of ale. Also, if anny broyer or syster of yis gilde fallyth in pouerte, and may noght helpe hym-selfe, he schal haue, of euery broyer or sister, atte ilk a mornspeche, a peny. And who-so entres in to yis fraternite, he schal pay for is entre ij.*s.*, and fynd ij. borowes for ye catalle.

Masses for souls of the dead.

The ale-chamber shall not be entered.

Salaries of the Dean and the Clerk.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

No man shall stay in the gild-house after the Alderman has left.

Allowances to the officers on feast-days, and to sick bretheren and sisteren.

Help to poor bretheren and sisteren.

Entrance-money and sureties.

Goods of the gild.

Robertus Thornegge, custos ejusdem [*gilde*], habet, de bonis, v.*s.*

XXVI.

[Gild of St. Katherine,] Lenne.*

Theyse arne the ordinaunces of the Gylde of Seynt Katerine the virgine, of Lenne, ordeynyd be the assent of the bretheryn in the fyrste fundacion; that the brethere and the systres of the seyde Gylde, in the reuerence of god and alle halwyn, and specialy of seynte katerine, schulne fyndyn an candele brennennde, in the worchype of god and of seynte katerine, in the Chyrche of seynte margarete of Lenne; where, euery feste of the seyde maydyn, alle the bretheryn schun comyn, and offeryn at the heye messe. And they schun holdyn, euery yer, foure dayes of spękyngges tokedere for here comune profyte. The fyrste schal ben the nexte day after the feste of seynt katerine: the secounde schal ben the soneday nexte befor the feste of seynt Gregory: the thrydde schal ben the soneday befor the feste of seynt Jon Baptiste: the ffeerde schal ben the soneday nexte aftyr the feste of seynt mychelle. And if any brothyr or systyr be warnyd to comyn, and wyle nought comyn, at ony of theyse dayes, he schal payen, to the amendemente of the wax, j.*d.* Also, quat brothyr or systyr schal comyn into this fraternite, he schal payen, to the sustentacion of this gylde, v.*s.*, quanne that he may resonabely. Also, if any brothyr be chosyn in office of Alderman, or Skeveynys, and he forsake it with-outen cause resenable, he schal paye to the wax vj.*d.* Also, quat brothyr or systyr be deed with-ynne Lenne, the Aldirman of this gylde schal doon beryn ij. torches, foundyn of the comune

A candle shall be kept burning in the church of St. Margaret; and on the feast of St. Katherine offerings shall be made.

Four days of speaking together shall be held every year; to each of which every brother and sister must come, under penalty.

New-comers shall pay five shillings each.

Officers chosen, and not serving, shall pay a fine.

Two torches shall be kept burning about the body of every dead brother or sister,

* CCCX. 223. Condition, good; but a corner destroyed.

till buried; and offerings shall be made.

oeste, to the place there the deed body is ynne, to brennyn aboutyn the body the tyme of the dirige and of the messe, tyl the body is byryid, in worchype of god and of seynt katerine.

Masses for the souls of the dead.

Also, euery brothyr and systyr schal offeryn for the soule, in the worchype of god and holy Chyrche, j.*ob.* Also, euery brothyr and systyr that deyeth schal han xxx. messes, of the comune almesse of thys Gylde, for hyse soule.

The Stewards, and goods of the gild.

Petrus Tapeser
Willelmus Wodylle
Robertus Scherman
Willelmus Lowyk
Ranulphus Watyiledere

} Sunt Custodes Gilde supradicte, et habent in manibus suis, de bonis dicte Gilde, xxx[iij.s.] iiij.*d.*, equis portionibus.

Summa bonorum Gilde, xxxiijs. iiij.*d.*

XXVII.

[Gild of St. James,] Lenne.*

In ye worchipe of ihesu cryst of heuene, and of his der worthi moder seynt mare, and of al halwen, and specilike of seynt Jame, in quose wyrschepe yis fraternite is be-gunnen. Be ye sent of alle ye breyere and syster's of yis gilde, for to haue iiij. morn-speches be ye ȝere. Ye fyrst morn-speche schal be ye souneday next after ye drynkyng: ye secunde schal be ye souneday next after halumesday: ye threde schal be ye souneday next after Fastyngonge: ye ferde schal be ye souneday next after ye trinite. Also, if anny broyer or sister be somonde to anny of yis mornspheches, and yei be in toune, and wil noght come, ne make non att'ne, ne non leue aske of ye Alderman, he schal pay, to amendement of ye lyght, *di.* pounde of wax, bot he haue better grace. And if ye Den faylith of his somons, for euery broyer or sister, a peny. And who-so entres in to yis fraternite, he schal pay ye ryghtes of ye hous: y^t^ is for to say, to ye Alderman, a peny; Clerk, *ob.*; Den, *ob.*; and ye wax, *ob.* And if anny broyer or sister of yis gilde be dede, ye Den schal brynge ye candeles of ye gylde to ye Dirige, and warn al ye breyere and systere of ye gilde come ofter with ye dede a fardyng, and a fardyng to ye almes. And he y^t^ ofter noght, he schal pay, to amendement of ye lyght, a peny. And who-so bewreys ye counsel of yis gilde to anny straunge mon or woman, and hit may be prouid be anny broyer or syster, he schal pay, to amendement of ye lyght, a pounde of [wax], bot if he haue grace. And if ye alderman be chosen, and he for-sake his office,

Four meeting shall be held every year; to each of which every brother and siste must come, unde penalty.

The Dean sha lbe fined if he fail to summon any.

New-comers sha ll pay the usual house-fees.

Services for the dead, and offerings.

Penalty for bewraying the affairs of the gild.

* CCCX. 227. Condition, very bad.

Officers chosen, and not serving, shall pay a fine.

he schal pay, to amendement of ye lyght, a pounde of wax; euery skeueyne, *di.* pounde; and ye Den, *di.* pounde of wax.

Masses for the souls of the dead.

And if anny broyer or syster be dede of yis gilde, he schal haue messes for his soule, of ye propere cattel of ye gilde, y^{t} is to weten, xxx. messes. And who-so entre in to ye chaumbre yer ye ale lyth in, and askes non leue of ye offecers of ye gilde, he schal pay, to amendement of ye gilde, a peny, bot if he haue grace.

The ale-chamber shall not be entered.

Salaries of the Dean and the Clerk.

Also ye den schal haue for his travayle, be ȝere, vj.*d.* Also ye clerk schal haue for his trauayle, be ye ȝere, viij.*d.*

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Also ye skeuens y^{t} haue ye catel of ye gilde, yei schul fyndes borowes for ye catel, to brynge hitt be-for ye alderman and ye gilde broyere and systers atte general mornspeche; and if yei do noght, he schal pay, to amendement of ye lyght, ij. pounde of wax, bot if he haue grace.

No man shall stay in the gild-house after the alderman has left.

And y^{t} no man dwelle lenger in ye hous yer ye gilde is holden in, yen ye Alderman: he y^{t} doth, he schal pay, to amendement of ye lyght, ij.*d.*, bot if he haue grace.

Allowances to the officers on feast-days, and to sick bretheren and sisteren.

And ye alderman schal haue to his fesse, in tyme of drynkyn, ij. galouns of ale; eyer skeuen, a galoun; ye Clerk, a potel; and ye den, a potel. And if anny broyer or sister of yis gilde be seke, in tyme of drynkyng, he schal haue a potel of ale.

Help to poor bretheren and sisteren.

Also, if anny broyer or sister fallyth in pouerte, and may noght helpe is-selfe, he schal haue, of ilke broyer and sister, at ilk a mornspeche, a peny.

Entrance money, and sureties.

And qwo-so entres in to yis fraternite, he schal pay [*for is entre . . s.*], and fynde ij. borowes for ye catel.

The stewards, and goods of the gild.

Johannes Tyringtoun } ejusdem gilde sunt custodes,
Johannes Thornegge } et habent, de bonis, xxx*s.*

XXVIII.

[Gild of the Nativity of St. John Baptist,] Lenne.*

The gild was begun A.D. 1316.

These arn the ordenaunce of ye gilde of ye Natiuite of seint Johan Babtiste, founden and ordeynd ye ȝere of hour lord ihesu m̄l.ccc. and sextene. ffirst, yere schulen been holden yre morunspeche be ye ȝere. Ye first shal been ye next day aftere ye general day: ye secunde shal been ye sunday next aftere ye fest of seint martyn: ye tridde shal been ye sunday fowrtenytȝ aftere hestern. And if ony brothere or sistere be somound to is morunspeche, and wil nouht comen, ne make non attourne for him, he shal paye, to amendment of ye liȝt, ij.*d.*

Three meetings shall be held every year; to which every brother and sister must come, under penalty.

And ordeynd it is, that eueriche yere, at ye general morunspeche, ye Alderman shal clepen vp iiij. men: and yei shul chesyn an Alderman, skyueyns, and deen, qweche yat yei seen is most profitable to meyntene ye gilde, to ye worschipe of god and of seint Johan. And if ony of hem yat is chosen, for-sake is office, and wyl nouht doon, he shal payen to amendement of ye liȝt; yat is for to witen, ye Alderman, ij.*li.* wax; eythere skyueyn, j.*li.*; ye deen, *di. li.* Also ordeynd it is, yat ye skyuens shal hauen ye Catelle of yis gilde, shul fyndeen ij. sufficiauntȝ borwes, to brynge ye catelle, at general morunspeche, by-forn ye alderman and ye gylde bretheren, vp ye payn of ij.*li.* wax, to amendement of ye liȝt; and, ofyr yat, yei shul pursu for her Catelle in qwat cowrte yat hem liste. Also ordeynd it is, yat eueriche nyth qwil drynkynd lastetȝ at ye general time, yei shul haue ye preyeers for ye pees and ye state of holy chirche, and for ye

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Every feast shall be begun with a prayer..

* CCCX. 82. Condition, fair; but nearly one-third destroyed.

The gild-candle shall burn the while; and all that are there shall be noiseless.

pes and ya state of ye lond; and yer-qwile shal ye Candelle yat longetȝ to ye gilde brennynge; and qwat man maketȝ ony nowse in yat time, he shal paye, to ye amendement of ye lizt, ij.*d.* Also,

Services for the dead, and offerings.

qwat broyere or sistere deye of yis gilde, ye deen shal do come ye Candelle to ye Dirige, and warn alle ye breyeren and sisteres yat yerto longetȝ, for to ben redy to beryn him to chirche, and offren an *ob.* for is sowle; and if he dootȝ [*nout qw*]at is a-forn seyd, he shal paye, to a-mendement of ye lytȝ, *di. li.* wax [*but if he*] haue a resonable excusacioun. Also qwat

New-comers shall undertake to keep the ordinances, and shall pay the usual house-fees and entrance-money.

broyere or sistere entretȝ [*into yis gilde, he*] shal make feyth to ye alderman to meynten yeis ordinaun[*ces, and shal paye all the*] rites of ye hous; as is for to-witen, to ye Alderman, ij.*d.* [*to eueriche skyueyn, j.d.; to ye clerk,*] j.*d.*; to ye deen, j.*d.*; and sythen paye for his entre .....

ded, or elles fyndeen borwes for to payen in ce .....

Masses for souls of the dead.

be ded of yis gilde, he schal xxx. messis for .....

ȝo messis shul been songen wt .....

Allowances to officers on feast-days.

shal hauen for is fees be ȝe.....

ueyn a galoun; ye Deen a .....

The Dean shall be fined, if he fail to summon any.

And if ye Deen falietȝ .....

and sistere yat is in .....

and sistere shal pay .....

ye worsipe of god .....

noman be rebelle.....

ne non gilde broyer .....

peyne of *di. li.* wax.....

ye selue lytȝ yat is a .....

songe is seyd in festiual dayes. .....

The gild shall go to church in procession, on the day of their yearly general meeting, and hear mass, and make offerings.

[*Also, or*]deynd it is, yat eueriche broyere and sistere shal be redy at ye hous qwere yat hê gilde is holde, on ye general [day], for to go to ye chirche, ij. and ij., wt ye alderman togedere, and here ye messe in ye worsipe of god and of seynt Johan, and offren, and also han a oȝere messe for ye soules of hem yat been dede, and offren also; and qwat man or woman be fawty, he schal paye, to amendement of ye liȝt, *di. li.* wax, but if he haue good excusacioun. And qwat brothere or sistere

falle in pouerte, he shal be holpen wt ye catelle of ye gilde, be ye ordinaunce of ye Alderman and of ye gilde breyeren. Help to poor brotheren and sisteren.

Thomas de Hylburgheworthe,
Skynner, Alderman.

*Ista est certificatio statutorum gylde Sancti Johannis Baptiste, ville Lenne episcopi.

Ricardus Crambudiges habet, de catallis dicte gylde, xx.*s.* iij.*d.* Goods of the gild.
Item Ranulfus de Dynton, xx.*s.* iij.*d.*
Item Adam de Smitton, xx.*s.* iij.*d.*
Item Johannes de Bambrygges, xx.*s.* iij.*d.*

* What follows is written in a different hand from the foregoing ordinances, and with an ink so faint that the names, and several of the words, are barely legible, though the sums put after the names happen to be quite plain.

XXIX.

[Gild of St. George the Martyr,] Lenne.*

The gild was begun A.D. 1376.

This ffraternyte is be-gonnen in þe worship of Jhesu Crist of heuen, and of his modir seint mary, and specially of Seint George þe martir, in þe toune of Bisshopis Lenne, þe ȝere of oure lorde M[l].CCC.LXXVJ. And þis ffraternite is be-gonnen in þis atent; to fynden a Preste to syngen atte autere of Seint George in þe chirche of Seinte margare of Lenne be-fore saide, in þe worship of god and þe holy martir, and for alle þe brethir and sistrin þ[t] to þe ffraternite longes. Also† ordeynd it is, þ[t] þe seluel bretheren and sistres shal fynden v. candelles, brennand a-forn þe‡ same autiere in festiuale dayes, while þat diuine seruice is saide in þe chirche. And also ordeynd it is, þay shul fynden iiij. torches, ffor to brenne þe principal day at messe, and at exequises of euery brothir and sistir þat dies, and her messe is in doynge, and to þe body be boren to þe biryinge, if it be þere present. And also ordeind it is, þ[t] what brothir or sistir so be deed of þis ffraternite, þe aldirman shal do comen þe Deen, and warne alle þe compaignye þat longen to þis fraternite, man and woman, þat is w[t]-inne þe toune, to come to þe exsequies of hym or of hir þat is deede, whethir-so it be, and bene redy to beren hem to þe chirche, and for to offren for þe Soule as þe manere is to done for þe deede; and what man or woman so faille, shale pay j.*d.* to þe almes for his soule, and *di.* pounde of wax to þe mayntenance

A priest shall be found, to serve at the altar of St. George.

Candles and torches shall be found, to burn during service, and at burials.

Services for the dead, and offerings.

* CCCX. 90. Condition, very bad; and destroyed in several places.

† This word is, by mistake, written twice in the original.

‡ This word also is written twice in the original.

of þe liȝt. Also ordeynd it is, þat what brothir or sister die owte of toune, als-sone as þe aldirman may wit it, he shal, be þe deen, do comen þe compaignye to-gedre þat is wt-inne þe toune, and done holden a messe solempnely atte autiere of seint George afore-saide, wt þe liȝt afore-saide, and euery brothir and sistir shalle offre, atte selfe messe, as þouȝ þe body were þere present, vp' þe payne a[*for*]e-saide. And also ordeynd it is, þt what brothir or sister so be deed of þis ffraternite, [*he*] shal haue saide for his soule lx. messes, of þe preste þat loges[1] to þe ffraternite, [*sone*] so he is dede, specialliche, and afterward to bene had in memorie wt othir þt [*bene*] deed aforne. Also ordeinde it is, þat what brothir or sistir so falle in pouerte [þt *he can*] nouȝt helpe hym-selfe to leuen resonably, þan shal eueryche brothir and [*sister þat*] is of powere, atte euery morunspeche, pay an *ob.* to helpen hem wt þt is ffallen [*so in pouerte*]. And also ordeynd it is, þat þis ffraternite shal han iiij. morunspeches by [þe ȝere, *in tim*]e þat is profitable to þe worship of god and saluacioun of þe ffraternite. [þe *ferste shal be*] þe feste of seint marke next after þe feste of seint George. þe [*secunde shal*] bene þe sunday next after þe natiuite of seint Johan Baptiste. þe [*þrid shal b*]e þe sonday next after þe feste of seint ffathe þe virgine. And [þe *fourt shal*] be þe Sonday next after þe feste of þe Purificacioun of oure lady marie. [*And euerich brot*]hyr or sister þat is somonde, and is in toune, and come nouȝt, bot if he haue [*resonabel exc*]usacioun, he shal pay, to þe amendement of þe liȝt, ij.*d.* And also or-[*deynd it is,* þt] atte general morunspeche, in þe feste of Seint marke, þe aldirman shal [*clepen up*] viij. menn, and þay viij. shall chesen an aldirman, skyueyns, clerk, and [*dene,* þo] þat þay seen ere most profitable for to gouerne þe ffraternite to þe [*worshi*]p of god and of seint George. And what man so is chosen in office, and for-sake it, he shal pay to maytenance of þe liȝt; þt is for to witen, þe Aldirman, ij.*lib.* wax; euery Skyueyn, j.*lib.*; þe Clerk, j. *lib.*; and þe Deen, *di. lib.* Also ordeynd it is, þat þe Aldirman shal haue, iche nyȝt while þe gener[al] drynkyng lastis, ij. galouns of ale for his fees; every Skyucyne, a galoun; þe

Service shall be held, though the brother or sister have died outside the town.

Masses for souls of the dead.

[1] (*sic.*)

Help to poor bretheren and sisteren.

Four meetings shall be held every year; to which every brother and sister shall come, under penalty.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

Allowances to the officers on feast-days.

The gild shall go to church on the day of their yearly general meeting, and hear mass, and make offerings.

Clerke, a galoun; þe Deen, a potelle. Also ordeynd it is, þat eueryche brothir and sistir þ^t^ longes to þe ffraternite shal be redy atte þe general day, atte hous þat is assigned for þe fraternite, for to gone, ij. and ij. to-gedre, worshipfully to þe chirche, w^t^ þe Aldirman, for to heren messe and euensonge, and atte general messe for to offre in worship of þe holy martir, and atte messe of Requiem ilke for hem þat ben deed, vp þe payne of *di. lib.* wax. Also þat no brother no sister ne shalle discuse þe counseil of þis fraternite to no straungere, vp þe payne of forfeture of þe fraternite for euermore, bot if he haue grace, if it may be prouet resonabely be bretheren of [*þis fra*]ternite. Also þe skyueyns þat shal haue þe katelle in hande, shul fynde [*suffi-ciaunt*] borwes to saue þe catelle atte generale morunspeche to þe fraternite, vp þe [*time of her se*]mblynge. Also, atte general tyme, while þe drinkynge lastes, eueryche nyȝt, [*a-fore þe feste,*] þe clerk shal stonden vp and done pees ben in þe house, while þ^t^ [*he says*] þe bedes for þe state of holy chirche and þe state of þe londe, w^t^ þe liȝt [*brenninge*] þ^t^ longes to þe compaignyè. And what maner of man þat make noise or janȝelynge in þe tyme, he shal pay ij.*d.* to þe amendement of þe liȝt. Also, þere shal no man no woman entre in to þis ffraternite, bot atte general morunspeche, be þe assent of þe aldirman and alle þe gilde bretheren, bot iff it be ony man of Contre þat is knowen of gode conversacioun. And what man so entre in to þis fraternite, sone so he is comen in, he shal take his charge of þe aldirman, vp his feythe to kepen þese ordinancé a-fore sayde vp his myȝt, and paien his fees, þat is for to wyten, ij.*d.* to þe aldirman; j.*d.* to þe wax; j.*d.* to þe clerk; and j.*d.* to þe deen. And sethen, for his entrees, xiij.*s.* iiij.*d.*, or elles fynde borwes to pay it w^t^-ynne certeyne dayes. Also ordeynd it is, þat what man so be greued w^t^ oþer, he shal warne þe aldirman þer-of; and he shal done his bisynes to acorden, if he may, w^t^ his bretheren; and, if he may nouȝt, p^r^sue þe lawe where hem list. Also ordeynd it is, þat euery brothir þat is of powere shal come, ilke [*a daye*], and fecche his hoode of lyuere of þe gylde, and pay þer-fore, vp þe peyne of . . . . . of wax to

The affairs of the gild shall not be disclosed.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Every feast shall be begun with a prayer; the gild-light burning the while; and they that are there making no noise nor jangling.

New-comers only admitted at the yearly general meeting, and by assent of all; save good men from the country.

New-comers shall undertake to keep the ordinances, and shall pay the usual house-fees, as well as entrance-money.

If any quarrel arise, it must be told to the Alderman, who shall do his best to settle it.

A livery-hood shall be fetched before the meetings, and shall be paid for; and

þe amendement of þe liȝt. And euery brothir shal haue on his [*liȝuere hood*]de atte euery morunspeche, and atte biryinge of his brothir or sistir, wheþir [*it be, up*] þe payne of *di. lib.* wax. Also ordeynde it ys, þt what brothir or sister trespas [*aȝenes*] yes ordenaunces thries, and þer-of ben amercie by þe bretheren, he shalle lese þe fraternite for euermore, bot if he haue grace. And þe Clerk shal haue for his travaille, by ȝere, iij.*s.* iiij.*d.*; and þe deen, ij.*s.*

shall be worn at every meeting, and at every burial service.

Breakers of the ordinances, after three times, shall be put out of the gild.

Salaries of the Clerk and the Dean.

Johannes Palgraue, Aldirman

Nicholus de Suttoun
Rogerus Pynchebek
Stephanus Stenyor
Johannes Lakynghythe, Cotoller

} Scabini; et habent, in manibus eorum, de bonis dicte gilde, equis portionibus, iij*li.* iij*s.*

Officers of the gild, and goods of the gild.

XXX.

[Gild of St. John Baptist,] Lenn Episcopi.*

The gild was begun A.D. 1372.

In ye worschepe of ihesu crist, and his modere seint marie, and of alle halowen, and specialli of seint Johan Babtyst, of qwam yis fraternite is founden and stabeled in ye ȝere of hour lord ihesu Ml.CCCo.LXXIJ. And yis gilde shal haue foure morwe-speches be ye ȝere. Ye first shal been on ye self day: ye secunde shal been on Johan Day, in Cristemesse: ye yridde shal be ye sunday after hesteriday: ye feerde shal been ye sunday after missummrday. And who-so is somound to ani of yeis morunspeches, and he be in toune and in hele, and he wille nouht come, ne make attourne for hym, he shal pay *di. li.* wax. And if ye deen faile of is somouns, he shal paye, for ilk broyere and sistere yat is nouht somound, j.*d.* And who-so is chosun in offices of ålderman, and he for-sake ye office, he shal paye ij.*li.* wax; and. eythere sk[*eu*]eyn, j.*li.* wax; and ye clerke, *di. li.* wax, if he be a broyere; and ye Deen, *di. li.* wax. And who-so entres in to yis fraternite, he shal paye ye rythes of ye hous; yat is to wytẽn, to ye alderman, j*d.*; to ye clerk, j. *ob.*; to ye deen, j. *ob.*; to ye wax, *ob.* And if ani broyere or sistere of yis gilde be ded, ye Deen shal do comen ye candelles of ye gylde to ye Dirige, and warn all ye gylde breyeren and sisteres to come and go wyth ye cors, and offyr a ferthynge; and who-so come nouht to ye offrend, he shal paye, at ye next morunspeche, j.*d.* to ye almes for ye sowle. And euerilk broyere and sistere of yis gilde yat ded is, shal haue, of ye propre catelle, x. messis, wtin ye viij. dayes after yei been ded, vp payn of xl.*d.* And

Four meetings shall be held every year; to each of which every brother and sister shall come, under penalty.

The Dean shall be fined, if he fail to summon any.

Officers chosen, and not serving, shall pay a fine.

New-comers shall pay the usual house-fees.

Services for the dead, and offerings.

Masses for souls of the dead.

* CCCX. 12. Condition, fair; but a piece destroyed.

also who-so is rebel ageyns ye alderman, or ageynes sistere or bretheren, in tyme of drynk, or of morunspeche holdun, he shal pay j.*li.* wax vp grce to ye liȝt. And who-so discuretȝ ye counseil of ye gilde tó ani straunge man or womman, he shal paye j.*li.* wax to ye liȝt. And qwo-so jangle in time of drynk, or of morunspeche holdun, and ye Deen comaund hem be stille, and he wilnouht, he shall pay *di. li.* wax. And ye alderman shal have a galoun of ale; eythere skyueyn, a potelle; ye deen, a potelle; ye clerk, a potelle. And ordeynd it is, yt ye Skyveyns schulloun haue ye katel hon hand. Yei shal fynden sufficiaunt borwes to brynge ye catelle, wt ye encresement, at ye general morunspeche, be-forn alderman and ye gylde breyeren, vp payn ij. *li.* wax to ye liȝtȝ, or her borwes for hem. And ye Deen shal haue iiij.*d.*, be ye ȝere, for is trauaille. And ye clerk, vj.*d.* and her feeȝ. And yat noman sitȝ lengere ȝan alderman, ne dwelle in ye hous but men of office, vp payn *di. li.* wax to ye lytȝ. Also, qwat broyere or sistere yat cometȝ aftere prime be smeten, he shal pay j.*d.* to ye lytȝ; and prime shal be smetȝ ij. howres aftere noon. And ilk a broyere and sistre shal pay, ilk a morunspeche day, *ob.*, to meynten a Candelle brennyng a-forn ye ymage of seint Johan, in ye chirche of seint Jame, on sundayes and oyere holydayis, qwil yat seruice is in doynge. And a odyr *ob.* [*to the encrese*] of ye catelle and for ye ale. Also ordeynd it is, bi al ye s....., yat yis gilde shal be offred in ye chirche of Seint.....
owten heende yeise ordinaunce for to be kep.....
to ye alderman qwan he entretȝ in to.....
breketȝ hem, he grawnt hym self, for.....
but if he haue grace.

John de Essex, taly.....
Thomas of Cressyngh....
Adam of Smitton
Thomas Peddere

There shall be no quarrel during any feast-time or meeting.

The affairs of the gild shall not be disclosed.

No jangling shall go on during feast-time or meeting.

Allowances to the officers on feast-days.

The Stewards shall have the gild goods, and shall find sureties to render an account of these, and of the profits, at the yearly general meeting.

Salaries of the Dean and the Clerk.

No man shall stay in the gild-house after the Alderman has left.

A candle shall be kept burning during service-time.

Moneys shall be paid towards the gild stock, and the ale.

Officers of the gild.

XXXI.

[Gild of St. Thomas of Canterbury,] Lenn Episcopi.*

In ye wurchepe of ihesu crist of heuene, and of his moder seinte marie, and alle ye companie of heuene, and also specialike of ye translacioun of seint Thomas of Cantewarbiri, for quose wourchipe yis fraternite his þi-gunnen. And yeise ben ye odynaunse of yis gilde. Yat men scholen holden foure morspeches in ye ȝer. Ye friste schal ben on ye general day: ye secunde schal ben sunday next be-for ye feste of seint michel: ye thridde schal ben ye day of seint thomas after cristemese: ye ferde schal ben ye next sunday be-forn Pentecoste. Also, if any broȝer or sister be in toune, and be warned, and wille nouht comen, ne maken non attourne for him, ne no leue asken of ye alderman, he schal payen 1.*d.* to ye lite. And qwo-so entre into yis fraternite of yis gilde, he schal fynden borwes to payen for is entre as he is a-corde with ye companye. And sythen ye rythes of ye hous sone so he comen in; to ye Alderman, 1.*d.*; to ye clerk, *ob.*; to ye wax, *ob.*; to ye den, *ob.* And if ani sister or broyer be ded of yis gilde, ye den schal bryngen ye candeles to ye dirige, and warnen his breyern to comen and ofren here *ob.* atte chirche for ye soule; and he yt comet nouht to ye offrende, schal payen *ob.* atte next morspeche, to ye elmesse. And if any broyer or sistere maliciouseliche, or dispisantliche lie on his broyer or on his sister, in wrecche, in present of ye Alderman and of ye gilde bretheren, schal payen, to amendement of ye lyte, alf a pownd waxche. And qwho-so be rebel

Four meetings shall be held every year; to which every brother and sister shall come, under pealty.

New-comers must find sureties for payment of entrance-money.

The house-fees must be paid at once.

Service for the dead, and offerings.

If any one belie another, he shall be fined.

* CCCX. 89. Condition, fair; but a large piece destroyed.

of his tounge a-ʒein ye alderman, or dispise ye alderman ye time yat he holden here mornspeche, schal payen, to amendement of ye lyte, alf a pound of waxse. And if ani broyer or sister bere his breyer or sister falsed on hande, and if it may ben prouid by ye gilde breyeren or sisteres, schal paye, to amendement of ye lite, ij.*d.* And qwho-so be-wreye ye conseil of yis gilde to ani straunge man or woman, and it may be proued be ye gilde breyeren or sisteres, he schal payen, to ye mendement of ye lite, a pownd of waxse, or lesen ye fraternite for euere-more, but he haue grace. And if ye alderman be chosen, and for-sake ye office, he schal payen, to amendement of ye lite, a pownd waxe: eyʒer skyuen, alf a pownd waxse: ye den, a qwatteer. And if any broyer or sister be ded, schal hauen his messes for ye soule, of ye propre cattel of ye gilde, xxiiij. messes. And who-so entre in to ye chambre yer ye ale lithe inne, wiht-outen leue of men of officis, schal paye, to amendement of ye lite, ij.*d.* Also ye alderman schal hauen, be ye ʒere, for his officis, to galones of ale; eiyer skyuen, j. galon; ye den, j. potel. Also, ye skyueyns of ye gylde yat hauen ye catel in hande, scholene fynden borwes to ye alderman, for to sauen ye catel, and for to bringe it forht at ye general morspeche, wyht-outen ani lettyng: and if yei do nouht, yei scholen payen, to amendement of ye lite, ij. *li.* waxse. Also yt noman come be-forn ye alderman and ye gilde breyeren and sisteren, in time of drynk, in tabard ne in cloke, ne barleges, ne barfote; [*and if he*] mowe be wyst, schal paye, to amendement of ye litʒ, j.*d.* And [*qwho-so*] make ani noyse in time of drynk, or in tyme of mornspe[*che holden*], and wil nouth be stille, ye alderman schal don taken him [*ye yerde; and*] if he wil nowth reseyuen, he schal payen, to amende[*ment of the litʒ*], iij.*d.*, or lesen his fraternite for euere-more, but he [*haue grace. Also yat*] noman slepe in tyme of drynke, ne late ye cvp[*pe stonde nere him, vp*] ye peyne of j.*d.* Also yt noman duelle in ye hous [*after yat ye*] alderman rised, but men of office; and if yei don, [*yei schul paye, to amendement*] of ye gilde, eueri persone j.*d.* And if ani broyer .....

If any one is foul-mouthed to the Alderman at any meeting, he shall be fined.

If any one wrong another, he shall be fined.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

Masses for souls of the dead.

The ale-chamber shall not be entered.

Allowances to the officers on feast-days.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

None shall come to the feast in a tabard, nor in a cloak, nor with legs bare, nor barefoot.

If any one make a noise during the feast, he shall do penance by holding the rod, or else pay a fine.

No one shall sleep, nor keep the ale-cup to himself.

No one shall stay in the gild-house after the Alderman has gone.

schal eueri broyer and sister payne of .....
j. feryinge. Also .....
A candle shall be found and kept burning. del of waxse b .....
of seint thomas .....
is scheid in .....
Help to poor bretheren and sisteren. or sister falle .....
wyht his .....
hem .....

[All the rest is destroyed.]

XXXII.

[Gild of the Holy Cross,] Lenne Episcopi.*

In nomine patris, et filii, et spiritus sancti, Amen. In ye honour of ihesu crist, and of his moder seinte marie, and of alle holy halwen, and namelike of ye holy crouche ȳat seinte Eleyne founde. We schulle holde yis gilde yre mornwespeches bi ye ȝer. Ye first schal be ye sonday nixt after ye drynke: ye second, ye sonday byfor seint michel's day: ye yridde, ye sonday nixt after vre lauedyes day in lenten. And, at ye general mornwespeche, ye aldirman schal callen vp foure men, to chese an alderman, skyueyns, and dene. And ye skyueyns schal be deliuered ye catel, wit tayle and boruh; and yat yai schulle bringe ye Catel at ye general mornwespeche, and leyn vpon ye cheker bifor ye aldirman, or here boruwes for hem, vp peyne of ij.*s.* And ye Den schal do somoun alle ye Gilde breyere, and ye sistres, to ye mornspeche; and he faille of his somouns, he schal ben amercid at ye aldermannis wille. And who-so is somound to ye mornwespeche, and he be in toun, and wil nouth come, he schal paye half a pound of wax, bot he be resonable-lyke escused. And he come after prime be smyten, he schal paye j.*d.* And if ony brother or sister be ded, ye den schal do bringe ye Candeles to ye dirige, and eueryl broyer and sister schal offre an halpeny at ye chirche; and he yat offres nouht, he schal paye an halpeny to ye almesse at ye nixt mornspeche. And everyl brother and sister þat ded his, schal haue xxx. messes for his soule, and yat ye messes schal be

Three meetings shall be held every year.

Officers shall be chosen by picked men.

The goods of the gild shall be delivered to the Stewards, and a yearly account shall be rendered.

The Dean shall summon all, or pay a fine.

All summoned and not coming, or not coming at the right time, shall pay a fine.

Services for the dead, and offerings.

Masses for souls of the dead.

* CCCX. 123. Condition, bad; and two large pieces destroyed. Most of the clauses are marked in rubric; and the first letter of the return is somewhat ambitiously illuminated.

songen on ye mornwen after ye cors be biryed. Ye Aldirman shal haue, eueril day, a galoun of ale, to ye drynk lastes; eiyer skiuèyn a galoun; ye den a potel, and, for his somouns, be ȝer, iiij.*d.* And he yat is chosen aldirman, and he forsake his office, he schal paye xij.*d.*; eyyer skyueyn, xij.*d.*; ye den, xij.*d.* And who-so is rebelle to ye aldirman in ony tyme, he schal paye a pound of wax. And if ony broyer or sister mak ony noyse or janglinge befor þe aldirman, at ony mornspeche, he schal paye [*a pound of wax*]. And if ony brother smyte oyer at ony mornspeche, or [*during ye time of drynke*], he schal paye ffoure pound of wax. And he .....

Gilde, whar-yourghe deshonour may .....,
he schal paye xij.*d.*, or lese þe fraterni .....
wymman dwelle longere in ye hous yan.....
pound of wax. And he yat entres .....
outen leue of men of office, he scha .....
brother sone or sister schal entre in .....
als an oyor man doth. And also y .....
schal meyntenen and susteynen ye liht yat is .....
holy crouche and of seint Heleyne. And eueril broyer and....
to ye liht biȝer, til better may be. And yat no man ne womman entre in to yis gilde lesse yan *vj.*s.* viij.*d.*, and ye fees vj.*d.** And if ony brother or sister be seke, he schal haue for his drynke a galoun of ale. And if ony brother or sister be in pelgrimage, he schal haue a galoun of ale to his drinke. And ordened is, yat no brother ne sister of yis gylde ne enplede oyer in no place, for no dette ne trespas, til yat he haue axed leue of ye Alderman and of men of ye .....
do, he shal paie, to amendement of ye Gylde, ij.*s.* .....
for his traualie bi ȝere, xij.*d.* And.....
of yis gylde be ded, ye deen shal warnen .....
comen to hous yer ye cors lyhth,.....
and offren an halpeny. And whoso .....

Allowances to the officers on feast-days.

Officers chosen, and not serving, shall pay a fine.

The Alderman shall be obeyed.

No noise nor jangling shall be made; and one striking another shall be heavily fined.

The good name of the gild shall be upheld.

None shall stay in the gild-house after the Alderman has gone.

The ale-chamber shall not be entered.

Fees on entry shall be equal to all.

A light shall be found and kept burning.

Entrance-fees of new-comers.

Allowances to those who are sick or in pilgrimage.

None shall go to law with another without leave of the Alderman.

The Alderman's salary.

Burial services and offerings.

All shall come to these services.

* The words and figures between these marks are written over an erasure of half a line.

and in toune, and wyl nouht come, he shal ..... One brother shall be released from payments.
and relesen Johan Clerke ;* for he shal .....
And ordened is, yat euerilk a brother of yis ffrat ..... A livery-hood shall be worn at every meeting.
hod of liuese of yis gylde, at euerilk a .....
of yis ffraternite, and qwo-so do nowt .....
ordened is, yat ilke a broyer of yis ffra .....
gylde in ilke a 3er. And qwho-so .....

* All the latter part of this return is in such very bad condition, that it is only by using every device of oblique and reflected and transmitted light that more than a word or two can be made out. By these means only have I deciphered the release of John Clerke ; and I should have hesitated to put down the words thus painfully deciphered, and of which no other example is found in any of these returns in English, but that, in the instance of a very interesting Cambridge gild (see Part II. of this work), I find one John Cornwall released from all payments that others are bound to make, in acknowledgment of the pains he had taken at the foundation of that gild. When I made, some years ago, my MS. Calendar of the whole of these returns, I wrote, opposite to the words releasing John Cornwall from all payments, the word "*unique.*" Since I have more carefully deciphered the above return, for the present work, I have no doubt that "John Clerke," of Bishop's Lynn, was thus released for the same reason as was "John Cornwall" of Cambridge.

Many instances are found where the bretheren are acquitted of payments while holding office ; of which the last ordinance of the Tailors' Gild of Norwich may be taken as an example (see before, p. 36). But the two instances named above, give a general acquittance of two bretheren by name, and not only while office-holders.

XXXIII.

[Gild of the Conception,] Lenne Episcopi.*

In ye wrchepe of Jhesu Criste of heuene, and of his moder Seynte marye, and of alle halwen, and speciali of ye concepcioun of oure leuedy seynte marye, in qwose wurchepe yis fraternite is be-gunnyn, ȝeyse ben ye statutes. Yt men schullyn heldyn foure mornspeches in ye ȝere. ȝe fryste mornspeche schal bene nexte ye drynking; ȝe secunde schal bene on ye sonday nexte sente Mathi ye apostyl: ȝe thyrd schal bene on ye sonday nexte sente bernabe day ye apostyl: ȝe ferd schal bene on ye sonday nexte sente Matheus day ye apostyl. Ordeynyd it is, yt eueriche broyer and syster schal payen j.*d.* at eueri mornspeche, to fyndyn wt lythe in ye chyrche of sent margarete, a forne ye auter of oure lady, ye qwile deuine seruise is seyd in festiuale dayes. And if any broyer or syster be somonde to ye morne-speche, and yei bene in toune, and wil not come, ne make none aturne for him, nyn no leue aske of ye alderman, schalle payen *di. li.* of wax to amendmente of ye lythe, or lose ye fraternite of ye gyld for euermore, but he haue grace. And ye dene schal payen, for oueriche broyer and syster yt is not somond, and he be in toune, j.*d.* And qwo-so entyrit into yis fraternite of yis gyld, he schale fynd boruis, and pay ye rythis of ye huse, sone so he comythe in: ye alderman, ij.*d.*; ye clerk, j.*d.*; ye dene, j.*d.*; ye wax, j. peny. And if ani broyer or syster be ded of yis gylde, ye dene schal brynge ye candelis to ye dirige, and ȝarnyn his breyeryn and systeryn to comen and

Four meetings shall be held every year.

Every brother and sister shall pay 1*d.* at every meeting, towards finding a light for festival-days.

Any one summoned to any meeting, and not coming, shall pay a fine.

The Dean shall be fined, if he fail to summon any.

New-comers shall find sureties, and pay the usual house-fees.

Service for the dead, and offerings.

* CCX. 125. Condition, very bad; a large piece destroyed.

offeryn here *ob.* at ye kyrk for ye dede. And he yt comythe nouthe to ye offerynge, schal pay *di. li.* wax, and he be warnyd and heyle, and be in toune; and if he be oute of toune, he schal pay *ob.* for his offerynge. And if any broyer or syster dispyse or mysconsel or lye his broyer, in pres[*ence*] of ye alderman and of his breyeryn, schal pay *di. li.* [*wax to*] ye amendement of ye lythe, or lese ye fraternite [*of ye gyld*], but he houe grace. And qwho-so be rebel of his [*tongue azeynes*] ye alderman, or dispise ye alderman, in [*ye time of drin*]kyn or heldyn any mornspeche, sch[*al pay, to ye amendement*] of ye lythe, *di. li.* wax, or l[*ese ye fraternite of ye gyld*]. And if ani broyer

Any one not coming shall be fined, and shall pay his offering.

For foul words among one another, a fine shall be paid, or the gild-ship be lost.

If any one be foul-mouthed to the Alderman at any meeting, he shall be fined, or put out of the gild.

or sis .....
and it may be prouid .....
amendement of ye .....
And qwo-so w.....
man or woman .....
pay to am .....
he haue .....
fise he s.....
den iij.*d.* .....
soule y.....
so enteryn .....
leue of.....
den schal h.....
nys yt haue ye.....
for ye catel, to brynge it forthe aforne ye [*alderman and*] gyld breyeryn at ye general mornspeche; and if ȝey will do it nouht, ye schal pay to ye gyld xl.*d.* .... eyyer, xl.*d.* Also, yt no man ne come, in time of drink, before ye alderman and ye gyld breyer and syster, in tabard ne in cloke, ne bareleg, ne barefote; and it may be seyne, schal pay to ye lythe j.*d.* And qwo-so make noyse in tyme of drycke[1], or in tyme of mornspeche, and ye dene comande hym to ben styl, and he ne wyl noute, yane schal ye dene takon hym ye yerd; and, if he wille nouthe reseyu yt, he schal pay to ye lythe iij.*d.*, or lose ye fraternite. Also yt no broyer ne no syster be so hardy, in tyme of drynck, to slepe, ne lete

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

None shall come to the feast in tabard, nor in cloak, nor with legs bare, nor barefoot.

[1] (*sic.*)

If any one make a noise during the feast, he shall do penance by holding the rod, or else pay a fine.

None shall sleep,

nor keep the ale-cup standing.

None shall stay in the gild-house after the Alderman has gone.

All shall come to services on the burial of the dead, and shall stay till they be ended.

Allowances to the officers on feast-days.

New-comers shall undertake to keep these statutes, and shall pay the house-fees and entrance-money, or find sureties.

ye cuppe stonde be hym, up peyne of j.*d.* to ye lythe. And also, yt no man dwelle in ye huse aftyr tyme yt ye aldyrman rysythe, but men of offyse: if he do, he schal paye j.*d.* to ye lythe. And also ordeynyd it ys, yt qwat broyer or syster be ded of yis gylde, ye aldyrman and alle ye gylde breyeryn and systers schullyn be redi to bere hym to ye chyrche, and offyrryn as it aforne seyde, and dwelle yer tylle ye messe be don, and be beryid, upp ye peyne of ..... And ordeynyd it is, yt ye aldyrman schal haue ij. galounes of ale; euery skeueyn, j. galoun; ye clerk, j. galon; ye deñe, j. potell; be ye ȝere, for here feys. Also, qwat broyer or syster entryt in-to yis gylde, sone so he is reseyuyd, he schal takyn his charge of ye alderman, on his feyth to meynteyn yis gyld uppyn his power, and payen his fees, and sythyn for hys entres, as he is acorded wt ye cumpanye, or ellys fyndyn borwes to pay wtinne syrteyne tymes.

[Four or five lines more are so bad that nothing can be made of them.]

XXXIV.

[Gild of the Purification,] Lenne Episcopi.*

In ye honuraunce of ihesu crist of heuene, And of his moder seinte marie, and of alle halowene, and speciallike of ye Purificacioun of oure lady seint marie, yis fraternite is founden and stabled, in ye ȝere of houre louerde a Thousande yre hundred sixti and seuene, and bi ye grace of god euere more to lasten, and shal be helden on ye sunday next after Candelmesse day. And yis gylde shal haue foure morwespeches bi ȝere. Ye firste shal be vp-on ye general day: ye secunde shal be ye sunday next bi-forn ye Assencion: ye yridde shal be ye sunday after seint Dionise: ye fourte shal be ye sunday next after ye Epiphanie. And who-so be somoned to any morwespeche, and wil nout come, ne make attorne for him, he shal pay *di. li.* wax. And if ye Deen falie of his somounes, he shal paye, for euerilke a brothere and sistere yat is nouht somoned, j.*d.* And euerilke ȝere shal ye Alderman callen vp foure men of Gylde bretheren, for to chesen an Alderman and offyceeres and a Deen yt been profitable for ye gylde. And if any of hem yat arn chosen forsake here office, he shal paye to amendement of ye liȝt; yat is to witen, ye Alderman, j.*li.* wax; eythere officer, *di.li.* wax; and ye Deen, quarter *li.* wax; wyht-outen any oyere grace. And who-so is rebel ageynes ye alderman in tyme of drynke, or of morwespeche holden, he schal paye to ye litȝ j.*li.* wax. And if ani broyere or sistere of yis fraternite bere oyer any falsed or wronge on hande, or him lie or mysseie, he shal paye to ye litȝ *di.li.* wax, and make pes to hym þat he has trespased a-geyn, by ye ordenaunce of ye Alderman and of ye gylde breyeren, or lese ye fraternite. And if any broȝere or sistere of yis fraternite be deed, ye Deen shal do come ye Candeles of ye Gylde to ye

The gild was begun A.D. 1367.

Four meetings shall be held every year, to which every one shall come, under penalty.

The Dean shall be fined, if he fail to summon any.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

The Alderman shall be obeyed.

If any one wrong another, he shall pay a fine, and make amends, as the Alderman and gild shall adjudge.

Services for the dead, and offerings.

* CCCX. 142. Condition, bad; and a large part destroyed.

Dirige, and warne alle ye Gilde brezeren and sistres to comen and go wyht ye cors to kyrke, and offre j. ferdynd; and he yat comezt nouht to ye offrend, he shal paie, at ye next morwespeche, an *ob.* to ye al[*messe*]. And ye alderman shal haue, eueriche day whiles ye dry[*nk lasteth*], a galoun of ale; and eytheere skyueyn, a galoun; ye [*deen, a potelle; and*] ye Clerk, a potelle of ale. And who-so entret [*into the chambre*] yere ye ale litz, with-outen leue of [*men of office, he shal paie to ye*] litz, ij.*d.* And who-so entre in[*to yis fraternite, he shal paie ye*] fees of yis hous; to ye Ald ..... *ob.*; to ye wax, *ob.*; and ..... for his entre. And orde ..... ueyns shullen haue ..... ficiaunt borwes ..... forn ye alderma ..... speche vp ye pey..... of yis gylde to a..... to ye liȝt iij.*d.* ..... gle in tyme of dr ..... comaunde him for ..... to ye liȝt, *di.li.* wax ..... hous þan ye Alderman rise..... he schal paye, to ye litz, ij.*d.* Also ye Alderman shal haue, for his trauaille be ȝere, iiij.*d.* and ij. galouns of ale; eythere Skyueyn, iiij.*d.* and j. galoun of ale; ye Clerk, vj.*d.* and j. potelle ale; and ye Deen, vj.*d.* and a potelle ale. Also, qwo-so entre in-to yis gylde, shal payen for his entrees ij.*s.* and is fees. Also ordeynd it is, yat euerylk brothere and sistere shal paye iij.*d.* in ye ȝere, for to fynde a Candelle brennend in ye chirche of seint Jame, a-forn ye Autere of owr lady, qwyl seruice is seyd in holydayis. Also ordeynd it is, yat euerilk brothere and sistere yat deyeth of this gylde shal haue xiij. messes seyd for is sowle.

Allowances to the officers on feast-days.

The ale-chamber shall not be entered.

New-comers shall pay the usual house-fees.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

No jangling during feast-time.

None shall stay in the gild-house after the Alderman has gone.

Salaries of officers.

Entrance-money.

Yearly payments towards a light.

Masses for souls of the dead.

The officers, and goods of the gild.

Johannes de Bysted, talyor, Alderman.
Johannes Austyn, Baxter, ix*s.* viij*d.*
Gilbert Plesant, ix*s.* viij*d.**

* These names are written in a different hand and ink from the rest of the return, and are so faint as to be hardly legible.

XXXV.

[Gild of St. Lawrence,] Lenne Episcopi.*

In ye honr of ihesu crist of heuene, and of his modir seynte marie, and of alle halwyn, and speciallich of ye holi martir seint laurence, in ye feste of ye selue day, i yis ffraternite is founden and stabled, and bi ye grace of god euere-more for to lasten.

Yise ben ye ordenance of yis ffraternite. Yat ye breyeren and ye sisteres sholen holden iiij. morunspeches in ye ȝere. Ye first morwespeche shal ben after ye drynke: ye secunde shal ben ye sunday next after mihelmesseday: ye yridde shal ben ye sunday in mydlentoun: ye feerde shal ben ye sunday bi-forn ye fest of seint margarete. And if any of yise morwespeches bi-forn j-nemed be nouȝt holden at ye certeyn day assigned, ye Alderman shal don hem helden at qwat tyme yt it be most profitable and worsipe to ye ffraternite. And if any brothir or sister be somoned to ani morwespech, and wil nouht comen, ne make attorne for him, ne no leue axen of ye Alderman, he shal paye, to amendement of ye liȝt, ij.*d.* And qwo-so come after prime be smeten, he shal pay j.*d.*, or leye a wed; and if he grucche, he shal paye ij.*d.*; and if he wil nouth payen it, he shal lesen ye ffraternite. And if ye deen fayle of hiis somouns, he shal paye, for ilke a brother and sister yat is nouth somouned, j.*d.* And euerilk ȝere shal ye alderman callen vp ffoure men of ye gilde breyerene, for to chesen Alderman, Skeueyns, and deen, yat ben profitable for ye gilde. And if any of hem yat haren chosen for-

Four meetings shall be held every year, on days here named, or as shall be named by the Alderman.

All must come to the meetings, or pay a fine.

If any be after time, or grumble, he shall pay a fine, or be put out of the gild.

The Dean shall pay a fine for any not summoned.

Officers shall be chosen by picked men.

* CCCX. 222. Condition, bad; and two large pieces destroyed.

Officers chosen, and not serving, shall be fined.

sake here office, he shal paye to amendement of ye liȝt: yat is for to qwyten, ye Alderman, vj.*d.*; eyther skeueyn, iiij.*d.*; and ye deen, ij.*d.*

The old Alderman shall charge the new Alderman and others.

And euerilke a ȝer shal ye holde Alderman chargen ye newe Alderman, whan he is chosen, and alle hise felawes wyhtȝ hym, for to don hos it is a-forn i-seyd.

New-comers shall pay the usual house-fees, and find sureties for entrance-money.

And qwo-so entretȝ in to yis fraternite, he shal paye ye rigthes of yis hous, v.*d.*; yat is for to wyten, to ye Alderman, ij.*d.*; to ye Clerk, j.*d.*; and to ye Deen, j.*d.*; and to ye wax, j.*d.*; and fynde sufficiauntȝ borwes for his entre. vj.*s.*

Services for the dead, and offerings.

And if ani brothere or sistere of yis fraternite be deed, ye deen shal do comen ye Candeles of ye gilde to ye Dirige, and warne alle ye gilde bretheren and sisteres yat ben in toune, to comen and offren *ob.* at ye kyrke for ye dede; and he yat cometȝ nouht to ye offrende, he shal paye, at ye next morwespech, j.*d.* to ye almes. And if ye deen faile of his somouns, he shal paye, for ilke a brothir and sister yat is noutȝ somound, j.*d.*

Masses for souls of the dead.

And if ani brother or sister of yis gild be ded, he shal haue, of ye propre catel of ye gyld, for his soule, xl. messis. And ye Alderman and ye skeu[*eyns shullen*] don seyn yo messes wyhtinne vj. day after ye terement, if it be..... he be dede.

The Stewards shall pay a fine if they make default.

And if ani of ye Skeueyns make defaute, and wil n .....
a-forn i-seyd, he shal paye, to amendement of yis frater .....

The Alderman shall be obeyed.

or vn-buxum a-geynes ye Alderman, vnskilfullike, ...

If one wrong another, he shall pay a fine, and make amends.

shal paye, to amendement of yis ffraternite, ...
bere oyer any falsed or wronge on hande, ...
to amendement of yis gilde, iij.*d.*, and .....
make pes to hym yat he.....
ye gilde bretherene and .....

The affairs of the gild shall not be disclosed.

to ani straunge man .....
of yis gylde iiij.*d.* .....

Written accounts of the goods of the gild shall be rendered by the Stewards.

of yis gylde on .....
bi scryt a-count .....
speche a-forn .....
so make defau.....
of yis gilde, xl.*d.* .....

Allowances to the officers on feast-days.

qwiles ye drynk las.....
a galoun; ye Clerk a g .....

ueyns hauande ye Catel of yis Gild, ... The Stewards shall give an account of the goods of the gild at the yearly general meeting.
and counseil wyth hym bi-forn ye general day, ...
in ye ȝere, for to make ordenaunce and purueaunce yat be ....
for yis fraternite. And if ani of ye skeueyns bi-forn i-nemed be' founden atte defaute in ani poyntes yat longetȝ or falletȝ to his office, he shal paye, to amendement of yis gilde, vj.*d.*, or lese ye fraternite. And if ye deen be comaundeed for to be entendaunt hem for to helpen, and he make defaute, and whil nouth, he shal paye iij.*d.*, or lese ye fraternite. Al-so ordeynd is, yat no brothere ne sistere of yis gild shal make hym-self seruaunt, for to seruen in non office, but if he be comaunded bi ye alderman. And qwo-so do, he shal paien ij.*d.*, or ley a wed of ye valuwe. And qwo-so make noyse or jangele in tyme of drynk or of morwespeche, and ye alderman or ye deen comaunde hem for to be stille, and he wil nouth, he shal paye to ye liȝt ij.*d.* And ye deen shal haue for his travaille, be ȝere, ij.*s.* And ye clerk, ij.*s.* And also yat no man dwelle in ye hous lengere yan ye Alderman rysetȝ, but men of office, vp ye payne of ij.*d.* to ye litȝ. Also ordeynd it is, yat eueriche brothere and sistere schal payen iij.*d.* in ye ȝere to fynden w^t^ a litȝ of v. Candeles, brennend in ye Crykche of seint margrete qwyl yat diu[*ine seruise is perfourmed*] in festiualle dayes, and for to payen to messis. Qwat brother .....
of ye ordinaunce of ye gylde of sente .....
qwreten in ye boke .....

If in default, they shall pay a fine, or be put out of the gild.

And the Dean if he do not help, shall be treated likewise.

No brother nor sister shall meddle unless told by the Alderman.

There must be no noise or jangling at feast-time or meeting.

Salaries of the Dean and Clerk.

None shall stay in the gild-house after the Alderman has gone.

Yearly payments towards finding a light.

M^dum^ quod .....
Johannes Smy .....
Johannes Glar .....

XXXVI.

[Gild of St. Edmund,] Lenne Episcopi.*

In þe wurchepe of jhesu crist of heuene, and of his der wurthi moder seynt marie, and of seynt Edmund, þ^t holi martir, in qwose wurchepe þis fraternete is bi-gunnen. Þese ben þe statuȝ of þis gilde. Þat men scholen holden foure mornspechis in þe ȝer. Þe first mornespeche schal ben on þe general day: þe secunde schal ben on þe sunday after seynt Petir: þe thridde schal ben on þe sunday after seynt barnabe apostele: þe ferde schal ben on þe sunday after seynt lukes day. Also, ȝif any broþer or sister be somund to here mornespeche, and yei ben in towne, and wil no^t come, ne make non att^rne for him, ne no leue axen of þe aldirman, scal payen j.*d.* And if he come after prime be thriis smeten, he schal paie j.*d.*; and ȝif he sette him doun and grucche, he scal payen j.*d.* And qwo-so entre in-to þe fraternete of þis gilde, he scal finde borwes, and paie þe rithes of þe hous, sone so he comyt in: þe alderman, j.*d.*; þe den, *ob.*; þe clerk, *ob.*; þe wax, *ob.* And if ani broþer or sister be ded of þis gilde, þe den scal bringen þe candeles to þe dirige, and warnen hise breþeren and hise sisteres to comen, and offren here ferþinge atte kirke for þe soule, and leþen a ferþinge to þe elmesse; and he þ^t comyt no^t to þe offrend, scal paien *ob.* atte nest mornspeche to þe elmesse. And if þe den faile of hise somounis, for eueri broþer and sister þat is no^t somound, he scal paien j.*d.* Also, þe den schal han, for his trauayle, be ȝere, vj.*d.*; de cklerke, viij.*d.*† And if any broþer or sister maliciouslike or

Four meetings shall be held every year, to which every brother and sister shall come, under penalty.

If any be after time, or grumble, he shall pay a fine.

New-comers shall find sureties, and pay the usual house-fees.

Services for the dead, and offerings.

The Dean shall be fined if he fail to summon any.

Salaries of the Dean and Clerk.

* CCCX. 229. Condition, very bad; and two pieces destroyed.

† "de cklerke, viij.*d.*" is added in the margin, in a very different hand and ink. But the "vj." in the line before, is written in the same hand and ink as this marginal addition.

dispisauntlike lye his broþer or his syster, in wrecche, in present of þe aldirman and of here gilde breþeren, scal paie, to amendement of þe gilde, vj.*d.* And qwo-so be rebele of his tonge aȝein• þe aldirman, or dispise þe aldirman in time þ^t he holden here mornspeche, scal paien, to amendement of þe gilde, vj.*d.* And if any broþer or sister bere his broþer or his sister any falsed or wronge on hande, and it may be prouid be þe gilde breþeren, scal paien vj.*d.* to amendement of þe gilde. And qwo-so be-wreie þe conseil of þis gilde to any straunge man or woman, and it may [*be*] prouid be ȝe gilde breþeren or sisteres, scal [*paien, to amende*]ment of þe gilde, xij.*d.*, but if he [*haue grace. And if an*] aldirman be chosen, and he forsake his off[*ice, he scal paien, to a*]mendement of þe gilde, xij.*d.*; eiþer skeue[*yn . . . . d.*; *and* þe] den, iij.*d.* And if any broþer or sister be de[*de of þis gilde, he*] schal han hise messes for his soule, of þe [*propre catel of*] þe gilde, xv. messes. And qwo-so entre [*into þe cham*]bre þere þe ale lyth inne, with-outen leue [*of men of*] office, scal paie, to amendement of þe gilde, iij.*d.* [*Also*], þe aldirman scal han, eueri nith wilis þe drinken, ij. galoun ale; eiþer skeueyn, a galoun ale; þe den, a potel ale; þe clerce, a potel ale. Also, þe skeueyns þat han þe catel of þe gilde, sullen finden borwes for þe catel, to bringen it forth aforn þe aldirman and þe gilde breþeren at general mornspeche, with-outen any lettinge: and if þei ne do not, þei sulle paie, to amendement of þe gilde, xl.*d.* Also, þat noman ne come, in time of drinke, beforn þe aldirman and þe gilde breþeren and þe gilde sisteres, in tabbard ne in cloke, ne bar-lege, ne barfoote; and it mowe be wist, he scal paie, to amendement of þe gilde, j.*d.* And qwo-so make any noyse in time of drinke, or in time of mornspeche holden, and þe den comaunde him to ben stille, and he ne wil nouth, scal taken him þe ȝerde, and if he ne will not reseiuen it, schal paie, to amendement of þe gilde, iij.*d.*, or lese þe fraternete of þe gilde for euere more, but if he haue grace. Also, þat noman be so hardi, in time of drinke, to slepe, ne to late þe cuppe stondin be him, vp þe peyne of vi.*d.* Also, þat noman duelle in þe hous no lengere

Any using angry words to a brother or sister shall be fined.

Penalty for foul-mouthed words spoken to the Alderman.

Penalty for wrong-doing of one to another.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

Masses for souls of the dead.

The ale-chamber not to be entered.

Allowances to the officers at feast-times.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

None shall come to the feast in tabard, nor in cloak, nor with legs bare, nor barefoot.

If any one make noise during the feast, he shall do penance by holding the rod, or pay a fine.

No one shall sleep, nor keep the ale-cup standing.

No one shall stay in the gild-house after the Alderman has gone.

No one shall go to law with another until after the Alderman and gild have tried to settle the quarrel.

þan þe aldirman rised, but men of office; and if he don, scal paye, to amendement of þe gilde, ij.*d.* Also, þ^t noman ne no woman of þis gilde enplede oþer for no trespas, tyl qwan þe aldirman and þe gilde breþere han asayed for to bringen hem at one; and if he ne moun nout, þan scholen he pleden quer-so þei wolen; and if þei doun, þei scholen paien, to amendement of þe gilde, xij.*d.*, or lese þe fraternete of ye gilde for euermore, but if he haue grace.

Entrance-money.

*Also if oni broþer or sister ent[*re into þis gilde*], yo shalle payin iiiij.*s.*

Names of gild-bretheren and sisteren.

†Stefanus Warin, et Claricia vxor ejus.
Johannes Mashemaker, *ob.*
Radulfus de Hecham, et Margerie vxor ejus.
Alicia de Hole, *ob.*
Willelmus de Blokene.
Ricard de Litul, et Cecilia vxor ejus.
Henri Gylbert, Henri Holf.
Henre We.....
Gylbertus Kont, et Matil....
Robertus de Thornege, et Catarina vxor ejus.
Johannes de Brestun, et Johanna vxor ejus.
Alicia de Brecham.
Roger de Geywode.
Willelmus de Hogo.
~~Johanna Spyrkynge.~~
~~Angnes de Derham.~~

* This paragraph is added in another hand and ink, and is hardly legible. The hand seems the same as has inserted the words "de cklerke viij.*d.*" in the margin. See p. 94.

† The names here following are also in another hand and ink, and afterwards a pen has been drawn several times across them. The last two names are written in yet another hand and ink, and afterwards separately erased. All the names are very indistinct.

The foregoing return from the Gild of St. Edmund, is written on a long narrow roll, in a remarkable hand, and with an ink that has much faded. It has been afterwards corrected, in several places, by another hand, and with an ink which is still black. No part of the list of names is in the same hand or ink as either the first writing of the original return or the corrections.

XXXVII.

[Gild of St. Nicholas,] Lenne Petri.*

In ye honuraunce of ihesu crist of heuene, and of his der worȝi moder seynt marie, and of ale halowene, and speciallike of yᵗ blisful corsant seynt Nicholaus, yis fraternite is by-gunnen and stabled, in ye fest of ye selue day, in ye ȝere of houre louerd a thousande cccᵐᵒ fyfty and Nyne. And yis gilde schal haue, by ȝere, foure mornspeches. Ye fyrst schal be after ye drynkynge: ye secunde schal be on blake monunday: ye yride schal be on mesomur day: ye ferthe schal be on mykames day. And who-so is somound to any of yis mornspeches, and he be in 'toune and in hele, and ne wyle noughte come, ne make attorne for him, he schal pay to ye lyht half a pounde of wax. And if he grucche, he schal pay a pounde of wax, or lese ye fraternite for euere more. And if ye Deen faylie of is somones, he schal pay, for ilk a man and woman yat is noght somond, a peny. And eueri ȝere schal ye Alderman callen up foure men of ye gilde breyeren, for to chesen Alderman, and Skeueyns, and Deen, yat bene profitable for ye gylde. And if any of hem yᵗ aren chosen, for-sake ye office, he schal pay to amendement of ye gilde; yᵗ is to wyten, ye Alderman, xvj.*d.*; eyther skyueyn, xij.*d.*; and ye deen, vj.*d.*; wyth-outen any grace. And who-so trespase a-geynes ye Alderman, or a-geyn any of ye gilde breyeren, in tyme of drynkynge or of mornspeche holdynge, he schal pay, to amendement of ye gilde, viij.*d.*, and make pes to him yᵗ he has trespas a-geyn, by ye ordinaunce of ye gilde breyeren. And if any

The gild was begun A.D. 1359.

Four meetings shall be held every year; to each of which every one shall come, under penalty.

Whoever grumbles shall be fined.

The Dean shall be fined, if he fail to summon any.

Officers shall be chosen by picked men.

Officers chosen and not serving, shall pay a fine.

Any one ill-behaving during any feast or meeting, shall pay a fine and make amends.

* CCCX. 218. Condition, bad; and a large piece destroyed.

Services for the dead, and offerings.

broyer or syster of yis gilde be dede, ye deen schal do come ye candeles of ye gilde to dirige, and warne alle gilde breyeren and sisteres to come and go wyht ye cors to chirche, and offre an halpeny. And who-so come noght to ye offerand, and he be in toune and in hele, ne make non attorne for him, he schal pay, at ye next mornspeche, a peny to ye almus. And euerilke broyer and sister of yis gilde y^{t} dede is, schal haue for his soule, of ye propre catel of ye gilde, xxx. messes. And ye Alderman schal haue, euere-iche day whyles ye drynk lastes, out-taken ye first nyht and ye last, a galoun of ale; eythere skyuen, a galon; ye deen, a galoun; and ye clerke, a golon. And who-so entre in-to ye boteri yer ye ale lyt$\mathfrak{z}$, wyht-outen leue of officere, he schal pay, to amendement of ye gilde, ij.*d.* And who-so entre in to yis fraternite, he schal pay ye ryghtes of yis gilde; y^{t} is to weten, to ye Alderman, ij.*d.*; ye clerke, a peny; ye deen, a alpeny; and to ye wax, a alpeny; and fynde suffisaunt borwes of payment of ye catel for his entre, yat is to seyne, iiij.*s.* And ordeyned hit is, y^{t} ye catel of yis gilde yat ye skyueyns schullen haue on hande, schal be deliuered to hem, by suffisaunt borwes to bryng ye catel, wyth ye encrescem[*ent*], by-forn ye Alderman and ye gilde breyeren at ye general m[*ornspeche: and*] if day don [noght] hos hit is be-forn sayde, ye skeuey[*ns schal pay, to a*]mendement of ye gilde, xl.*d.* or here borwe[*s for hem. And who*]-so discuret$\mathfrak{z}$ ye counseyl of yis gilde to ani [*straunger, and he be*] ouertaken, he schal pay, to amendement [*of ye gilde, .. d., or lese ye*] fraternite. And ordeyned hit is y^{t} no.....
plete oyer in no place for dette ne .....
leue of ye Alderman and of.....
den be-forn ye Alderman .....
Also yat non gilde bro.....
forn ye Alderman and.....
leg, ne barfote, and.....
peny. And who-so.....
a peny. And yat no man .....
Alderman riset, but men of office;.....
to ye lyght a peny. And ye Deen schal haue, for .....

Masses for souls of the dead.

Allowances to officers at feast-times.

No one shall enter the buttery where the ale lies.

New-comers shall pay the usual house-fees, and find sureties for payment of the entrance-money.

The Stewards shall find sureties for giving an account of the goods of the gild, with the profits, at the yearly general meeting.

The affairs of the gild shall not be disclosed.

No one shall bring a suit at law, until the matter has been laid before the Alderman and gild, and leave been given.

No one shall come to the feast in tabard, nor in cloak, nor with legs bare, nor bare-foot.

No one shall stay in the gild-house after the Alderman has gone.

by 3ere, vj.*d.* And ye Clerke shal haue, for his trauayle be ye 3ere, xij.*d.* Salaries of the Dean and the Clerk.

Robertus Palmere
Johannes Harte
Johannes Dykessone

Sunt custodes dicte Gilde: tamen, de bonis dicte Gilde, nichil habent, quia bona seu catalla dicte Gilde non pertinent. Stewards of the gild: but there is no stock in hand.

Note.—The second line of the ordinances next following, shows that *Lynn Petri* is but another name for *West Lynn*. West Lynn has also been named before, p. 57.

XXXVIII.

[Gild of St. John Baptist,] Lenne Petri.*

The gild was begun A.D. 1374.

Thise been ye statuȝ of ye gylde of ye holy prophete Seynt Jon baptist, be-gunnen in West Lenne in ye ȝere of houre ȝouerd a thousand cccmo seuenti and foure. And yis gilde schal haue foure mornspeches be ye ȝeere. Þe first schal ben after ye drynkynge: þe secunde schal ben vp-on ye seynt Jhon day in heruyst: þe thryde schal ben vp-on seynt Jon day in Cristemesse: þe fourte schal ben vp-on seynt Jhon day in May. And whoso be somonde to anny mornspeche, and wil nought come, ne make a-tourne for hyme, he schal pay half a pound of wax. And if ye Dene faile of his somounes, he schal pay, for ilk a broyer and systere yat is nought somonde, a peny. And who-so is chosen in office of Alderman, and he for-sake is office, he schal pay, to amendement of ye gylde, ij.*s.*; eythere Skeueyn, xviij.*d.*; and ye Den, xij.*d.* And who-so be rebel a-geyn ye Alderman in tyme of drynkynge, or of mornspeche holden, or in any oyere tyme, vnskilfullik, he schal pay, to amendement of ye gilde, ij. pounde of waxe. And if any broyer or sistere be rebel a-geynes oyere, or bere him any falsede or wrong on hande, and hit may be proued, he schal [pay], to amendement of ye gylde, ij. pounde of waxe, and sythen make pees to hym yat he has trespasede a-geyn, by a-sent of ye Alderman and ye gilde breyeren. And if any broyer or sistere of yis gylde be deed, ye Den schal do come ye candeles of ye gilde to ye Dirige, and warne al ye gylde breyeren and systers yat ben in hele and in toune, to come, and go wyth ye cors to kyrke, and offere a halpeny; and euerilk

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Officers chosen, and not serving, shall pay a fine.

Any one misbehaving during any feast or meeting shall pay a fine.

Any one wronging another shall pay a fine, and make such amends as the Alderman and others approve.

Services for the dead, and offerings.

* CCCX. 257. Condition, bad; and a large piece destroyed.

a broyer and sister schal gyuen an oyere halpeny to ye almys. And ye Den schal gedren ye forseyde halpenys, and by wyht-al breed, and gyue hit for ye soule. And if he do nought os hit is be-forn seyde, he schal pay, to amendement of ye gilde, ij.*s.* And euerilk broyer and sister y^t^ deede is, schal haue, of ye propre catel of ye gylde, xxx. messes for ye soule. And who-so entres in to yis ffraternite, he schal pay ye fees of yis hous: yat is to weten, to ye Alderman, ij.*d.*; ye clerk, a peny; ye dene, a peny; and ye wax, a peny; and ffynde suffisa[*unt*] borwes of ye paiement for his entre. And ye Alderm[*an schal haue*], eueriche day whiles ye drynke lastet, two galouns [*of ale; eueriche*] skeueyn, a galoun; ye clerke, a .....

The Dean shall buy wastel-bread with these offerings, and give it [to the poor].

Masses for souls of the dead.

New-comers shall pay the usual house-fees, and find sureties for payment of the entrance-money.

Allowances to officers at feast-times.

And who-so entres in to ye .....
leue of men of office, he .....
wax. And also ordey .....
skeueynes scholen .....
by suffisaunt bo .....
be-forn ye Ald.....
vp ye peyne.....
'yis gilde .....
he schal .....
make noyse.....
stylle, and he wil.....
[*of*] waxe. And so yat no man dwelle.....
[*ye*] Alderman riset3, but men of office: and who-so .....
schal pay to ye lyght half a pounde of waxe. And al-so ordeynd hit is, yat no broyere of yis ffraternite ne schal gyuen wed and borow vp-on oyere, ne him somoune, ne do somoune, for dett ne for trespase, til swiche tyme as he has shewed his agreuaunce til ye Alderman and ye gilde breyeren yat ben chef of ye counseil. And ye Alderman and ye gylde breyeren shullen prouen, vp-on here myght, for to a-corden hem. And if yei mown noght acorden, let hem make pleynte in what plase so yat yei wyle. And who-so do nought als it is by-forn hy-seyde, he schal pay, to amendement of ye gilde, xl.*d.* And who-so make any disturbaunse for any poynt yat is ordened be ye first foundurs of

The ale-chamber shall not be entered.

The Stewards shall find sureties for giving an account of the goods at the yearly general meeting.

No one shall make noise in time of feasting.

No one shall stay in the gild-house after the Alderman has gone.

No gild-brother shall give pledge or become surety for another, or begin any suit at law, without leave of the Alderman and others, who shall do their best to settle the quarrel.

Penalty on any one disputing any of these ordinances.

Salary of the Dean.

yis gilde, he schal pay, to amendement of yis gilde, ij.*s.* And ye Deen schal haue for his trauayle, be ye ȝere, vj.*d.*

Goods of the gild.

Adam Outelawe habet in custodia, de bonis dicte Gilde, vj.*s.* viij.*d.*

Henricus Boston habet vj.*s.* viij.*d.*

NOTE.—Two points in this return call for remark here. *First*, the letter 'þ' is used four times in one sentence, each time at the beginning of one of the four clauses that make up the sentence. In every other place throughout the return, 'y' is used for the *one-letter* sound of 'th.' In other returns, sometimes 'þ' is used, sometimes 'y;' but whichever is used, it is constant throughout the same return. *Second*, in this return alone is it stated, though the *fact* was probably the same in every gild, that the offerings at the dirge were to be spent in buying bread to be given to the poor. (Compare the return No. XLVI.) And the bread so bought is to be 'wyht-al' or 'wastel' bread, that is, bread 'white and well baked.' In other words, the dole to the poor shall be of eatable bread of the best quality, and not 'cocket' (seconds) or 'simnel' (twice baked) bread.* The word 'wastel' is no doubt (by the very common transposition of the 's') the Old Northern 'veitsla' (feast), the wastel bread being what should always be given to guests. 'Veitslu-dagr' is *dies epularis*.

These two sentences seem to me to shew that part at least of the ordinances found in this return were copied from the now lost ordinances of some gild much older than the date when this one itself began.

* In a vocabulary of the early part of the fifteenth century, contained in Mr. Mayer's privately printed volume of Vocabularies, no less than twelve sorts of bread are named (pp. 197, 198). But among these there are many of very coarse quality, and not made from wheat. Wastel, cocket, and simnel are the only sorts recognized in the "Assise of Bread." In the Vision of Piers Plowman, the contrast between the sorts of bread is strongly put. Piers tells Hunger that,

"A lof of Benes and Bren, I bake for my children;"

but adds that, after harvest,

"Ne no Beggare eten Bread, þat Benes inne come,
Bote Cocket and Cler Matin, an of clene whete."

(Mr. Skeat's edition of the Vernon Text, pp. 89, 90.)

See further, the Note at the end of the "Usages of Winchester," in Part III. of this work.

XXXIX.

[Gild of St. James,] North Lenne, Sancti Edmundi.*

In ye honour of ihesu crist of heuene, and of his modyr seynte marie, and of alle holy halewen, and specialike in the honour of seynte James, of qwom owre fraternite is foundyn and stablyd. Yeis arn ye ordynnaunces of our Gylde, ordeynd be alle the hol fraternite. Yat ther shuln ben foure morwespeches be ȝere. Ye first shal be aftere ye drynkė: ye secunde shal be ye sunday nest aftere the fest of sein mihel: ye thryd shal be ye sunday nest aftere the pyffanye: the ferde shal be the sunday nest aftere ye fest of sen Barnabe apostel. And who-so be somound to any of yeise morwespeches, or to any othere, and he be in hele, and wille nouht comen, ne make non attorne for him, he shal paye to ye liȝt half a pound of wax. And if ye Deen falie of his somouns, he shal paye, for ilk a broyere and sistere nouht somound, to ye amendement of ye liȝt, j.*d.* And also ordeynd it is, yat eueriche broyere and sistere shal paie, at eueriche morunspeche, *ob.* to ye wax, for to meyntene iij. Candelle brennend a-forn ye seint† of seint Jame, in ye worschepe of god and of yat holi seint, seynt Jame, in ye tyme yat diuine seruise is seyd in festiualle dayes. And who-so be chosen in offyce of Alderman, and he for-sake ye offyce, he shal paie, to amendement of ye liȝt, j.*li.* wax; and eythere skyueyn, j.*li.* wax;

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

Officers chosen, and not serving, shall be fined.

* CCCX. 141. Condition, fair; but a large piece destroyed.

† So in original. No doubt "altar," or "image," was intended to be written.

New-comers shall pay the house-fees, and find sureties for payment of entrance-money.

and ye Deen, j. quarter *li.* wax. And who-so entre in to yis fraternite, he shal paie ye rythes of ye hous, sone-so he cometȝ in : to ye Alderman, ij.*d.*; to ye Clerk, j.*d.*; and to ye Deen, j.*d.*; and to ye wax, j.*d.*; and fynden suffisand borwes to make ye payment of his couenauns for his entre. And if any broyere or sistere of yis Gylde be ded, he shal do come ye Candelles of ye Gylde to ye Dirige, and warn alle ye Gylde breyeren and sisteres to comen and offren *ob.* atte cherche ; and he y^{t} cometȝ nouht to ye offrend, he shal paye, at ye next morwespeche, j.*d.* to the almus for ye sowle. And if any broyere or sistere be deed, he shal haue, of ye propre Catel of ye Gylde, xxx.*d.* to messes for his sowle, and ye Alderman and ye Skeueyns shuln do synge tho messes qwer-so welyn yei shuln. And qwo-so be Alderman, he shal haue, atte euenes, eythere euene, a galoun of ale and a qwyt lof ; and ye Skyueyn, eithere heuen, a potel of ale. And if any brothere or sistere of ye Gylde falle at any meschef, he shal han, in ye wooke, qwyles he leueth, iiij.*d.* to sustynaunce. And who-so be rebel of his tunge a-geyn ye [*Alder*]man, or ageyn any of ye Gylde bretheren or sisters, in [*time of dryn*]kynge, or* of morwespeche holden, he schal paie, to [*ye amendement*] of ye liȝt, *di. li.* wax. And if any broyere or sistere of y[*is Gilde bere*] his broyere or his sistere any falsed or wronge [*on hand, and it may*] be proued be ye Gylde bretheren or sisteres, [*he shal paie, to ye amen*]dement of ye liȝt, j.*li.* wax. And who-so [*entretȝ in-to ye chambre*] there ye ale lythe inne, w^{t}-oute [*leue of men of offyce, he shal*] paye to ye liȝt j.*d.* And ordeynd is,.....

Services on death, and offerings.

Masses for souls of the dead.

Allowances to officers at feast-times.

Help to needy bretheren and sisteren.

Unruly speech shall be punished by a fine.

One beliein or wronging another, shall pay a fine.

The ale-chamber shall not be entered.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

ye Skyueyns schuln [*have*] in hand .....

hem, be sufficiaunte [*borwe*]s, to bryng .....

wespeche bi-forn [*ye Alde*]rman, and .....

vp-on table. And w[*ho-so*] faly, y^{t} .....

paye to ye liȝt ij.*li.* wax, or h[*is borwes for him. And who-so*] make noyse or ianglynge in tyme [*of drynk, or of morwespeche*] holden, and ye Deen comande hym be [*still, and he wil nout, he shal*] paye to ye liȝt *di. li.* wax, or lesen ye [*Gilde, but if he*

No noise nor jangling allowed during feast or meeting.

* This word is written "of" in the MS. But it is so plainly a slip of the pen, that I have read it as if the letter "r" had been written.

haue grace. And] ye Deen shal haue for his traualie, be ȝere, iiij.*d.* And [*ordeyned*] is, be alle ye Gylde breyeren, y^{t} euerilke broyere and sistere shal paye to ye Almus, for evere-ilk broyere and sistere [. . . . . *for*] his soule. Salary of the Dean. Alms for souls' sake.

Johannes Knolles, Alderman: et nichil habet de Catellis. North Lenne. The gild has no stock in hand.

XL.

[Gild of St. Edmund,] North Lenne, Sancti Edmundi.*

In ye honour of ihesu crist of heuene, and of his modere seinte marye, and of alle holi halowen, and specialike of yat holi martyr seint Edmunde ye kynge, yis ffraternite is foundyn and stabled. And yis Gylde shal haue foure morwespeches bi ȝere. Ye first shal be aftere ye drynke: ye secounde shal bene ye first sunday of lentone: ye yridde shal bene ye sunday aftere seinte Thomas ye martyr: ye fourte shal bene ye sunday aftere seint Dionise. And who-so be somound to any of yise morwespeches, or to any oyere, and he be in hele, and ne whille nouht come, ne make attorne for him, he shal paie to ye liȝt half a pounde of wax. And if ye Deen faile of his somouns, he shal paie, for ilke a broyere and sistere yat is nouht somonde, to amendement of ye liȝt, j.*d.* And also ordeynd it is, yat eueriche broyere and sistere shal paie, at euerich morwespeche, *ob.* to ye wax, for to mentene iij. Candelle brennend a-forn ye seint, in ye worschepe of god and of yᵗ iche holi seint, seint Edmunde ye kynd[1] and martyr, in ye tyme yat diuine seruise is seyd in festiualle dayes. And who-so be chosen in offyce of Alderman, and he for-sake ye offyce, he shal paie, to amendement of ye liȝt, j.*li.* wax; and eythere skeueyn, *di.li.* wax; and ye Deen, quarter *li.* wax. And qwo-so entre in to yis fraternite, he shal paie ye rightes of ye hous, sone-so he cometȝ in: to ye Alderman, j.*d.*; to ye Deen, *ob.*; to ye Clerke, *ob.*; and to yé wax, *ob.*; and fynde suffisaunde borwes to make ye paiement of his couenauns for his

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

[1] (*sic.*)

Officers chosen, and not serving, shall be fined.

New-comers shall pay house-fees, and find sureties for payment of entrance-money.

* CCCX. 149. Condition, fair; but a large piece destroyed.

entre. And if ani broyere or sistere of yis Gylde be deed, ye Deen shal do come ye Candelle of ye Gylde to ye dirige, and warne alle ye Gylde breyeren and sisteres to comen and offre an halpeny at ye kyrke; and he yat cometȝ nouht to ye offrende, he shal paie, at ye next morwespeche, to ye almus, j.*d.* for ye soule. And if any broyere or sistere of yis Gylde be ded, he shal haue, of ye propre Catel of ye Gylde, xxx.*d.* to messes for his soule, and at ye Alderman and ye Skeueyns do singe yo messes. And who is rebel of his tunge a-geyn ye Alderman, or a-geyn ani of ye Gylde breyeren or sistere, in time of drynke or of morwespeche holden, he shal paie, to amendement of ye liȝt, *di. li.* wax. And if any broyere or sistere of yis fraternite bere his broyere or sistere ani falsed or wronge on hande, and it may be proved bi ye Gylde breyeren or sisteres, he shal paye, to amendemente of ye liȝt, j.*li.* wax. And who-so entretȝ in-to ye Chaumbre yere ye ale lytȝ inne, with-oute leue of men of offyce, he shal paie to ye liȝt j.*d.* And ordeynd is, yat ye Catel of yis Gylde yat ye Skeueyns shulen haue [*in hand*] shal be deliuered to hem, bi sufficiaunt borwes to brynge ye catel, [*at ye ge*]neral morwespeche, bi-forn ye Alderman and ye Gyld breye[*ren and sisteres, and leyn*] doun vp-on ye table bi-forn ye Alderman. And wh.... paiement, he shal paie to ye liȝt of ye gylde ..... And who-so make noyse or iangele in time of ..... and ye Deen comaunde hym be stille..... *di. li.* wax, or lese ye fraternite of ..... uaile, bi ȝere, iiij.*d.* And ordeynd..... and sistere shal paie to ye alm .....

Services for the dead, and offerings.

Masses for souls of the dead.

Unruly speech shall be punished by a fine.

One believing or wronging another shall pay a fine.

The ale-chamber shall not be entered.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

No noise nor jangling allowed during feast or meeting.

Salary of the Dean.

Alms for souls' sake.

Robertus Kocsoun, Al..... The Alderman of the gild.

XLI.

[Gild of Candlemass,] North Lenne, Sancti Edmundi.*

In the honre of ihesu crist of heuen, and of is mödere seinte marie, and of alle holy halowen, and specialike of ye fest of oure lady yat is cleped Candelmesseday, this fraternite is founden and stabled. And this Gylde shalle hauen foure mornspeches by ȝere. The fyrste shalle ben the morn nexte aftere Candelmesday. The secunde shalle be the sunday next aftere ye feste of ye Annunciacioun of oure lady seinte marie. And the thredde shalle ben ye sonday next aftere ye feste of ye Natiuite of oure lady. The fourthe shalle ben ye sonday next aftere ye feste of ye Concepcioun of oure lady. And who-so be somound to any of ȳis morunspeches, or to any othere, and he be in hele, and he wille nouht come, ne make none attorne for hym, he shalle paye to ye lyȝt j.*li.* wax. And if ye Deen faile of his somouns, he shalle paye, for ilke a broyere and sistere yat is nouht somond, *di. li.* of wax. And also ordeynd it is, yat eueriche broyere and sistere shal paye, at euerich morunspeche, *ob.* to ye wax, for to meyntene iij. Candelles of wax brennend aforn ye[1], in ye worschipe of god, and of iche holy mayden our lady seint marie, in ye tyme yat diuine seruise is seyd in festivalle dayes. And who-so be chosen in offyce of alderman, and he for-sake ye offyce, he shalle paye, to amendement of ye lytȝ, ij.*li.* of wax; and eythere skyueyne, j.*li.* of wax; and ye Deen, *di. li.* of wax. And who-so entre in to yis fraternite, he shalle paye ye ryȝtes of ye hous, soon-so hee comen in: to ye Alderman, j.*d.*; to ye Deen, j.*d.*;

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

[1] (*sic.*)

Officers chosen, and not serving, shall be fined.

New-comers shall pay the house-fees, and find sureties for payment of entrance-money.

* CCCX. 207. Condition, fair; but a large piece destroyed.

and to ye wax, *ob.*; and fynden sufficiaunt borwes to make ye payment of ys couenantez for is entree. And if any broyere or sistere of this gylde be ded, he shalle do comen ye Candelle of ye Gylde to ye Dirige, and warn alle ye Gylde breyeroun and sisters to comen and offren *ob.* atte ye Chirche: and he yat cometz nouht to ye offrend, hee shalle paye, atte next morunspeche, j.*d.* to ye Almus for ye soule. And if any broyere or sistre of yis Gylde be ded, hee shalle haue, of ye propre catelle of ye Gylde, xxx.*d.* to messes for is soule. And ye Alderman and ye Skyueyns shun* do syngge ye messes, vppoun ye disposicioun of ye Alderman and ye Skyueyns. And who-so be rebelle of is tonge agayne ye Aldre[man], or agayne any of ye Gylde bretherene or sisteren, in tyme of [*drynk*] or of morunspeche holdene, hee shal paye, to amendement of ye lytz, j.*li.* [*wax. And*] if any broyere or sistere of yis fraternite bere is broyere or sistere any [*falsed or wrong*] on hande, and it may be proued by ye gylde breyerene or sis[*teren, he shal paye, to a*]mendement of ye lytz, j.*li.* wax. And who-so entre in [*to ye chaumbre yer ye ale lytz*] in, wt-out leue of men of office, he shalle he shal† .....
ordenyd is, yt ye catelle of yis Gylde yt ye sk .....
shalle be delyuered to hem by suffysaunt .....
general morunspeche be-for ye Alde .....
table; and who-so faille yat d .....
or is borwes for him. And .....
or of is morunspeche holden .....
nouht, he shal paye to ye .....
by zere, iiij.*d.* And ordey .....
and sistre shalle paye to ye .....
ye soule.

Services for the dead, and offerings.

Masses for souls of the dead.

Unruly speech shall be punished by a fine.

One belieing or wronging another shall pay a fine.

The ale-chamber shall not be entered.

The Steward shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Almes for souls' sake.

John Knolle, Alderman ye se
North Lenne.

* This word has a scratch over it, which may be accidental, but which (though, if so, very unusual) may be intended for a mark of contraction, as if the word should be read "shullen." But there is no other instance of the kind throughout these returns. "Schun" (before, p. 67, twice) has no such mark.

† These two words are thus twice written in the original.

XLII.

[Gild of the Holy Trinity, Wygnale, Norfolk.*]

Certificacio fundacionis et regiminis gilde Sancte Trinitatis de Wygnale, per Aldermannum eiusdem.

In the worchip of god, and of his modur marie, an specialy of the holi trinite, in qwose worchip this fraternite is begonne. Sey a pater noster, and Aue pur charite, and ne nos, &c.; laudemus qui fecit celum, &c.; Benedicamus patrem, &c.; laudemus, &c.; Benedictus es domine, &c.; per signum sancte crucis, &c.; In omnem terram exiuit sonus eorum, et in fine orbis, &c.; Oremus, Oremus, Omnipotens, &c.; Be-sege we ihesu crist mercy, for the pees, an for the stat of holy chirche, for the pope of Rome an his Cardinales, &c.; vt in Pulpito.† And for alle the gilde bretherun an sisterun that this gilde furst begonne, and lengest sal vp-haldene, says a pater noster, Phalmus Deus misereatur nostri, &c. Also qwat brother or sustre die, and he may noughte be broughte to the hergdes wyt his owne catelle, he sal be broughte wyt the broderhedes. And if he be drowned in water, he sal be soughte vj. myle about, and the lyghte be broughte be-for hem to the kirke. Other fundacioun es ther non.

Latin prayers shall be said, out of the Church Offices.

Burials at cost of the gild.

Drowned men shall be searched for.

* CCCX. 20. Condition, disfigured by the use of galls.

† The MSS. of this and the two following returns are in such bad condition, that I feared that some of the initial words of the prayers named in them might not have been correctly taken down. I am indebted to the courtesy of the learned author of "The Church of our Fathers" (already quoted in the Introduction), for the verification of their correctness, save in a few cases where the scribe of 1389 has made *literal* blunders too obvious to mislead any one.

XLIII.

[GILD OF THE ASSUMPTION,] WYGGENALE, *en Conteede Norffolk.**

Anno regni Regis Richardi secundo[1] *viij°., die Assumsionis.*

[1] (*sic.*)

In ye worschipp of Jhesu crist, and of is dere moder seynt mare, and ye holy feleschipp of heuene, and specialy of oure lady sent mare of ye assumcion of oure lady, in wyche fraternite ys be-gunne, in ye ton of Wygenhale, for to worschippe oure lady. In ye worschipp of god and of is moder, in a-mendement of oure lyff, and sauacion of oure saules, and sayes a Pater noster and a aue pur charite.

Laudemus Deum, &c. Benedicamus pater, &c. Benedictus es, &c. Per signum sancte, &c. — Latin prayers to be said out of the Church Offices.

Maria virgo semper letare, que meruisti Christum portare, celi et terre conditorem, quem de vtero tuo protulisti, mundi Saluatorem. Deo gratias.

Be-seke we Jhesu crist mercy, ffor ye state of holy chirche and al yer-to longes. — English prayer of this gild, for the Church;

Also we schal be-seke for oure lord Kyng Richard of yngelond, and for ye qwene, and ffor alle ye baronyge, and for alle yat to yam longes, yat gyff yam grace to ouer-come ere enmys. — for the King, Queen, and baronage;

Also we schal be-seke for ye pope of Rome, and ye Patriarcke of Jerusalem, and for alle holy kirke, and al yat to it longes. — for the Pope and the patriarch;

Also we schal be-seke for ye holy lond, yat Jhesu crist, for is mekul mercy, brynge it in to criste powere. — for the holy land;

Also we sal be-seke for ye frutte y^t^ is on ye herthe, yat god send it soche wedurynge y^t^ may turne cristen men to profyt. — for the fruit of the earth;

* CCCX. 119. Condition, very bad.

for shipmen and travellers; for the founders of the gild;

And ffor schipp-men and for al men yat trauayle, be se and be land. And for al yat yis fraternite first be-gunne, and longes wil vp-hold. And yei to saye a pater noster pur charite.*

Deus miseriatur nostri, &c.; Gloria patri, &c.; Kyrieleison, &c.; pater noster, &c.; Dies fuit, &c.; habundat quemcumque; Deus a quo, &c.

and for the souls of the dead and the living.

Also be-seke Jhesu mercy for oure fadere saules, and for oure modere saules, and for ye criste saules yt ben in ye bitter payne of purgatore, and for al ye brethire saules and sisturres yat to yis fraternitee longes, and maynteynen in ye worschipp of oure Lady. Says a pater noster, &c.; De profundis, &c.; oremus; Incline Domine ne fideles, &c.; benedicite dominus, &c.; Ille nos benedicat. Godes helpe be a-mong vs. Amen.

Names of the bretheren and sisteren of the gild.

Johannes de Tydde.
Robertus de Gedney.
Adam Halyward.
Robertus Helys.
Johannes Dey.
Thomas de Tyringetoun.
Johannes Gerard.
Johannes de Heyssewelle.
Johannes Wyntur.
Galfridus Lewer.
Ricardus Mayden.
Laurence Laycy.
Thomas Drewry.
Cicillia Leman.
Angneta Haliward.
Asselyn Millener.
Beatrix Deye.
Isabella Laicy.
Cicillia de Tydde.
Katerina Witrasse.
Margareta Garenelle.

* Compare with this the very remarkable prayer of the Gild of St. Christopher, Norwich, before, pp. 22, 23.

..... Wyntur.
Alicia Paschelewe.
Alicia Gerard.
Angneta Spense.
Katerina de Gedney.
Alicia Daundy.
Elena Williams, filia....

Qwat brother or systur dey of yis fraternite, if he deye soden dede, be water or be lond, he schal be soughte vj. myle a-boute, of oure cost, if he be nought of power to pay for hym-self; and oure lythe to ye derige and to ye kirke; and ye next sonunday aftere, he schal haue ix. messes. And al yo y^{t} were naught at ye beriynge of ye corse, schal pay a *ob.* to oure lady lyght, and to ye leuacion of godes bodi ... kepe, if may so far reche.

Search shall be made for any one dying suddenly, by water or by land; and he shall have burial services.

Qwat brothere or systure bere other any falsed on hand, and schal paye to ye lyght *ob.*

Any one belieing another shall be fined.

Ista sunt debit^{a} de gylda de Assumsionis beate marie, in villa de Wygenhale.

Goods of the gild.

Robertus Helys habet de moneta, _____ vj.*s.* viij.*d.*
Thomas Drewre debet _____ xl.*d.*

Qwat man yat comes nought to yis toy morunspeche, he schal pay to yis lyght a *ob.*

Any one not coming to the two meetings shall be fined.

[Several names have been written on the back of this roll, with some accompanying description; but the whole is now quite illegible.]

XLIV.

Certificatio regiminis GILDE DE CRANBONE, *in villa de* WYGNALE, *per Thomam Chapeleyn, Aldermannum.**

In honr of ihesu of heuen, and of his moder seinte marie, an of alle halwen, and specialy of seint Johan the Ewangelist, in qwose worchip this fraternite is be-gunne. Sey a pater noster; pur charite; Et ne nos, &c.; set libera nos, &c.; laudemus deum, qui fecit celum, mare, et omnia que in eis sunt; Benedicamus patrem, &c.; laudemus, &c.; Benedictus, &c.; per signum sancte crucis, &c.; In omnem terram exiuit; oremus; Ecclesiam tuam quis† domine, &c. Beseche we ihesu crist mercy, for the pees and state of holy chirche, for the pope of Rome an the cardinals, for the patriak of Jerusalem, and for the stat and pees of holy chirche:—meinten hem and susten hem; and for the Archibischope of Canterbury, and the Bischope of Norwyche, and for the Prioresse of Crabous,‡ and for alle the couent, and for alle Archibischopes, Bisshopes, Abbotes, Priours, an for alle men and wommen of religioun; and for the kynge and the

Latin prayers to be said, out of Church offices.

English prayer of this gild, for the church, pope, cardinals, patriarch, archbishop of Canterbury, and other bishops, &c., king and queen, and the commons of the realm.

* CCCX. 139. Condition, very bad.

† This seems to be a mistake for "quæsumus," or for some contraction of that word; but it is plainly "quis" in the MS., and it has no mark of contraction over it.

‡ It is right to say that this name could not have been made out from the original return alone. But, on comparing it with an ancient MS. in my possession (formerly in the famous Dering collection, but once belonging to Sir Roger Twysden), which gives names and particulars of the old abbeys and priories in England and Wales, I find that all the remains of the word that can be traced in this return (except the dropped "h," and "u" for "w"), agree with the name "Crabhows," which is recorded in that MS. as being in the county of Norfolk. See also Tanner's *Notitia*, Norfolk, "Crabhouse."

qwene, and al the Comones of this Roialme, vt patet in Pulpito, &c. And also more-ouer, this is the ordinance of this Gilde, apud Cranbone in villa de Wyggenale; qwyche was be-gunne in the day of Seint Johan the Ewangelist, in the ȝere of Kynge Richard second xj°. That if any man be ded of this fraternite, wyt-inne vj. myle about, o lond or of watre, and the lyghte sal be brought to bery hym, wyt the cost of al the companie. And qwo-so of that companie absent hym fro the beryyng, he sal paie an alpenie to the gilde. Also, if any mann of companie ben wrothe, they sal take tway men of the brethere to accorden hem; and if they mowe nought accorden hem, ethir sal peye a peny to the lyghte, an pursue to the Commone laghe qwer-so-euer they wylle. Also more, twey dais of mornspeche in the yere: that is for to say, on the day aftir day of seint Thomas in Cristimasse: the secounde, seint Thomas day of Canterbury. And qwo-so comythe nought to the day, if the ben in town, the sal paie an alpenye to the lyghte. Also we haue a peyntid clothe that cost xl.*s.*, qwyche was ordeined to hang in the chirche in the[1] of seint Johan on hes festes. Also, we fyndyn a torche to servyn atte leuacion in time of messe. An be-for the ymage of seint Johan we fynden iij. Candelie of wax. And non other fundacion no gouernynge es in oure [*gilde*].

The gild was begun A.D. 1387.

Burials at the cost of the gild.

Every quarrel shall be brought before two bretheren.

Two meetings shall be held every year.

Goods of the gild.

[1] (*sic.*)

XLV.

Certificatio fundacionis et regiminis GILDE SANCTE TRINITATIS, *de* WYGNALE, *per Willelmum Cautynge, Aldermannum ejusdem.**

In honr of ihesu crist, and his modir seinte marie, and al the holy felichipe of heuen, an specialy of the Trinite, in qwom this fraternite is begonne, be al the conseil of xxxj. bretheren and sisteren; for to hold foure mornspeches in the yere, in worchipe of the Trinite, and in amendement of al holy chirche, and helpyng of oure soules. The first mornspeche, of Trinite sunday: the seconde, after seint Johanes day in heruest: the thred, on sunday after seint andrewes day: the fourt, on midlentene sunday. Also, that eueriche mann be redy at thys foure days, for to paie to the holy Trinites light *ob.* Thys is accorde be al the holy† berthere. In the yere of Kynge Richard xj. this gilde was begonne: and therto, in worchip of god and holy cherche, William Cautyng, Aldermann of the forsaide gilde, and alle the bretheren and sisteren, paien a certein somme of seluer to leghte of Trinite, qwyche amont to vj.*s.* ij.*d. ob.* Other fundacion no gouernynge is noughte in oure gilde.

Four meetings shall be held every year.

Payments to be made at these meetings.

The gild was begun A.D. 1387.

Goods of the gild.

* CCCX. 144. Condition, fair.

† This word "holy" is so in the MS.; but it is clearly a mistake for "hole" = *whole.*

XLVI.

[GILD OF ST. PETER,] WYGGENALE, *en Contee de Norffolk.**

In honoure and worschippe of Jhesu crist, and of is dere moder sent mare, and al ye holy feleschipp of heuene, and specialy of ye holy a-postille sent Peter, in qwose [worschippe] this fraternite is be-gunne. For to hold toy morunspeches in ye ȝere: ye first, at ye fest of sent Peter ye a-postil; ye secunde, ye sonunday next after ye twelft day. And, at ye general day, yat ilke a brother be redy wit othir, to go to ye kirke wit is brethere wit a garlond of hoke Lewes.

Two meetings shall be held every year.

All shall go to church with a garland of oak leaves.

Yis is hordenned be ye a-sent of al ye brethere and systurs of yis fraternite: yat euer-iche brothere and systure be redy to go to ye kirke, wen any brothere or systure is ded of yis fraternete; and yat euer-iche brothere hoffer a *ob.*; and yat iche a brother gyff a halpeny wortht of bred for is soule, and yat he haue vij. messes songen for is soule.

Service for the dead, and offerings.

Bread to be given, and masses sung, for souls of the dead.

And also, if he dey, yat is for to say if he be perichee be water or be lond, ȳen schal is gyld brethere gare seke him iij. myle aboute, and brynge him to cristen mennes bereynge, if he be nouȝt in power of is owen catelle; and ye lyght be brought be-for hym to ye derige, and to ye kirke; yat is for to say, a torche yat schal bren at ye leuacion of ye messe euer-iche sonnunday. Also wen yat ye brethere and sisture ben geyderd at ȳere generale day, qwat godes man come to oure fraternite, he schal haue mete and drynke, qwyles it wil last. And also a taper for to bren be-for sent Petur, of a pond of wax.

Men dying by water or land to be searched for and buried.

Meat and drink to be given at the yearly meeting.

* CCCX. 163. Condition, fair.

[Indorsed on the foregoing return is the following:—]

Catella de gylde Sancti Petri in Wygenhale, in ye ton ende :—

Goods of the gild.

Willelmus Cautyng _____ v.*s.* vj.*d.*

Willelmus Harald _____ v.*s.* vj.*d.*

XLVII.

[Gild of] Est Wynch, *de Comitatu Norfolcie.**

In ye honowre of ihesu cryste, and of hese modyir seynte marye, and of al ye companye of hewene, and specialleche of sen Jon ye baptyst, in qwose name yis gylde is hordeynyd. Yis gilde chal hawe foore morwe-spechiis: ye fyrste morwe-spęche schal ben on sen Jon day; ye secunde schal ben on ye swnday after ye feste of sen micael; ye yrede schalben on sen Jon-is day in cristemesse; ye ferde schalben on ye sunday after crowchemesse dai. Yis gylde schal hawe an haldyrman, and to screweynys, and a clerk; and qwat man yt comyt in, he chal payn a peny to ye wax, and a peny to ye clerk. And hewery yer schal ye aldyrman callyn vp fore men of ye breyern, for to chesen aldyrman, and to screweynys yt ben profitable for to kepyn ye gelde catel: and if ony of hem for-sake hys office, yt is to seyne, ye aldyrman schal payn halwe a pownd of wax to ye leyt of sen Jon, and eyther screweyny a qwarter of wax. And if ony broyer or sister be ded of yis gelde, he chal hawe ye candelle of ye gylde to ye derige, and ewery broyer or syster chal offeryn a ferȝyng, and yewen anoyr for ye soule. And qwat broyer or sister yt comyt nowt to ye offeryng, he chal payn, at ye nexte morwe-speche, a peny to ye elmesse. And qwat broyer or sister be det [*of*] yis gylde, he chal hawen xiij. messes of ye pro-pir cat[*el of*] ye gylde. And if ony broyer or sister be sek on general d[*ay, he chal*] hawen a lof, and a potel of ale, and mes of

Four meetings shall be hold every year.

Officers of the gild, and their fees.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

Services for the dead, and offerings.

Masses for souls of the dead.

Allowance to members in sickness.

* CCCX. 64. Condition, fair; but a piece destroyed.

The gild was begun temp. Rich. II.

kechen [*stuff. And*] yis gylde was ordeynyd and be-gwnyn in y^e^ [. . . *yere of the regnè*] of kyng Ric. ye secunde.

Alderman and Stewards of the gild.

Aldyrman, William of Hely . . . . .
Screweys, Johannes Sm . . . . . .
Thomas . . . . . .

XLVIII.

[Gild of St. Peter,] Oxeburghe, [Norfolk].*

In þe honor of god, and of hese modir marie, and of seint Peter, a ȝelde is be-gonne, in þe ȝer of þe regne of þe kyng Richard þe secunde, þe secunde ȝer. Þis is þe ordenaunce of þe ȝylde; þt þe alderman and þe bedel, bretheryn and sisteryn of þe gilde, schullyn comyn, at þe secunde belle of þe Euesong of seint Peter, and beryn a-forn hem a torche brennyngge, of vj. pond of wax; and þat euery gilde broþer and sister be at þe euesong and messe of seint Peter, and at þe secunde euesong, in þe peyne of a pond wax to þe lythe of seint Peter, ȝif he be fyue myle be halue; and, at here gilde day, euery man to offeryn a ferthyn at messe, and anoþer to Elmesse. And al-so, at þe ded day of a broþer, euery couple to ȝeuyn iij. penys; and þt þe aldirman and bedel shullyn gaderynt, be asent of alle þe breþeryn. And ȝif ony broþer or sister falle at myschef, he schal haue, be ȝere, iiij.[1] And ȝif ony broþer or sister be-wreye here conseil, he shal payin, to le lythe of seint Peter, a pond of wax.

The gild was founded A.D. 1378.

The officers, bretheren, and sisteren, shall come to evensong on St. Peter's day, and make offerings.

Help to those in trouble.

[1] (*sic.*

Fine for bewraying the affairs of the gild.

Billa de catallis gilde sancti Petri in Oxeburghe, v. quarteria ordei: pretium quarterii, xx.*d.*

Goods of the gild, and price of barley.

Willelmus Mark, Alderman; Johannes Skultoun, bedel.

Officers of the gild.

* CCCX. 79. Condition, good. This return is one of a bundle of eight sewn together;—of which six are in Latin, and this and the one next following are in English. All the eight relate to gilds in Oxburgh, Norfolk. To the lower edge of the first of the eight, there is sewn a piece of linen paper, 2½ inches by 4½ inches, containing an account of the goods of the gild. See before, p. 44 *note*.

XLIX.

[Gild of St. John Baptist,] Oxeburgh, *en le Contee de Norffolk.**

The officers, bretheren, and sisteren, shall come to evensong on the day of St. John the Baptist, and make offerings.

In ye honor of god, and of his modur marie, and of seint Johan Baptist, a brotherhed is be gunne. This is the ordinance of the gilde :—that the Alderman and the bedel, an brethren an sistren of the gilde, xlij., comyn at the second belle of the furst euesonge of seint Johan the Baptist, and a candel beryng a-forn hem brennynge, to the cherche of seint Johan; and that euery gilde brother and sistur be at the furst euesonge, and at the messe of seint Johan, and at the second euesonge, vp the pein of a pounde of wax to the lyght of seint Johan, if he be thre myle about. And the alderman sal offren a pany at the messe, and iche brother and sistre a farthynge, in the worchip of Seint Johan; and iche brother and sistren schal giffen a farthynge in the worchip of seint Johan. And also, at the ded day of a brother or sistre, eche brother an sistre sal ȝeuen a messe peny, a[1] offren a farthynge, and ȝeuen a farthynge to pore men p[r] his soule. And if any brother or sistre falle at meschief, he sal hauen gilde,† houereday a farthyng, and on sunday a halpeny, be ȝeire, wille that he his at meschief. And if any brothren or

[1] (*sic.*)

Help to those in trouble.

* CCCX. 8o. Condition, fair. See note to the return last foregoing.

† The word "gilde" is here used in the sense of that word as found in the oldest English (Anglo-Saxon) writings, namely, for a ratenble *payment*, as is explained in the Introduction. The word is not thus used in any other of these English returns. It will be seen that this Oxeburgh gild was an old one, having been founded A.D. 1307.

sistren be ded, a mile aboute, the brethren and sistren sul ben at placebo and dirige an at masse, of peine of a pounde of wax. Services for the dead.

Thys gilde was be-gonne in the ȝere of the regne of the Kyng Edward the secounde, the first ȝere. The gild was begun A.D. 1307.

Billa de catallis gilde sancti Johannis Baptiste, in Oxeburghe, xx. quarteria ordei: pretium quarterii, xx.*d.** Goods of the gild, and price of barley.

Robertus Baldeȝein, Alderman; et Willelmus Baker, Bedel. Officers of the gild.

* In Stow's Annals (ed. 1615, p. 301) is the following passage:—'In the beginning of this yeere [1387], at Leicester, an hundred quarters of Barley were sold for an hundred shillings;' and the marginal note is,—'Barley sold for xij.*d.* the quarter.' Thus the price of barley in Leicestershire, in 1387, was little more than half the price of it in Norfolk in 1388.

II.

ILLUSTRATIONS

OF

THE ORDINANCES AND USAGES

OF

EARLY ENGLISH GILDS.

FROM ORIGINAL RECORDS

IN THE

PUBLIC RECORD OFFICE;

AND

FROM OTHER ORIGINAL SOURCES.

MOST of the documents contained in this Part are taken from the same bundles of original "Returns," made in the twelfth year of Richard II. (A. D. 1389), from which the whole of those contained in Part I. are taken. But none of the Returns used in this Part were made in English. They were made either in Latin, or in the old Law-French. I have translated the substance of them more or less fully in each case, according as the original throws more or less light upon the usages and character of English Gilds, and so upon the Ordinances contained in Part I. A note is here added in each case, as in Part I., stating the bundle, number, and condition of the Return used.

A few instances are taken from other sources than those bundles of Returns, though still from documents in the Public Record Office. I give these in order to illustrate, as well the character of the Gilds themselves, as the existence of other important means, besides the Returns here chiefly used, of obtaining a knowledge of the old Gilds. Some, again, are taken from sources other than the Public Record Office, the source of each being acknowledged in its place. In both the cases where I have thus gone outside the Returns made in 1389, several of the originals are found in English, but some are in Latin, and some in the old Law-French.

The important, and hitherto wholly unknown, illustrations (in English) which I have been happy enough to recover from their long hiding-place among the old records of the city of Exeter, and which are here printed, stand out conspicuously among the rest, as well for their intrinsic interest, as for the strong light which they throw on the connection between the old Gilds and the Corporate Bodies of Cities and Towns.

This Part II. begins with the Writs sent round, at the end of 1388, to all the Sheriffs in England, to make proclamation for the sending up of the Returns called for by the Parliament of Cambridge. The illustrations that follow are, with one exception, arranged in a rough geographical order, beginning in the North. The one exception is the Gild of Berwick-upon-Tweed; which I put last of all because the *Latin* original was printed in Germany in 1831, being, so far as I am aware, the only document used in this volume that had ever been printed, either in England or elsewhere, before the present work was begun. It will be seen that the Return made by The Great Gild of the Hans-House of Beverley is no exception to the originality of the documents now for the first time used. The Gild of Berwick-upon-Tweed is here used, because it serves well to illustrate the relations in which the old Gilds so often stood to the organic Commonalty, or Body Corporate, of the place; as is further done by Gilds that will be found under the heads of Lancaster, Birmingham, Bristol, &c., as well as by the very complete case of Exeter.

I.

WRITS TO THE SHERIFF OF EVERY SHIRE IN ENGLAND, TO MAKE PROCLAMATION THAT RETURNS SHALL BE SENT UP BY ALL THE GILDS.

(*a*) The Writ for Returns from the Social Gilds.*

RICHARD, by the grace of God, King of England and France and Lord of Ireland, to the Sheriffs of London, greeting. For certain good and reasonable causes brought and made known before us and our council in our last Parliament, held at Cambridge, We, strictly enjoining, command you that you do at once, on sight of these presents, in the city aforesaid and the suburbs thereof,† where it shall seem to you best, let proclamation be made, openly and publicly, that all and every the Masters and Wardens of all gilds and brotherhoods whatsoever within the said city and the suburbs thereof,‡ shall send up returns to us and our council, in our Chancery, fully, plainly, and openly, in writing, before the feast of the Purification of the blessed Virgin Mary now next, wheresoever it may be, as

The Sheriffs of London [and of every shire in England] shall, by authority of the Parliament that lately met at Cambridge,

make proclamation, calling on the Masters and Wardens of all the Social Gilds to send up returns,

before the 2nd day of February, A.D. 1389,§

* CCCIX. 1. Condition, bad. Latin.

† In the Writs issued to the Sheriffs of Shires, the words used, instead of "in the city aforesaid and the suburbs thereof," are as follows:—"in your full shire-mote, and also in all cities, boroughs, market towns, and other places in your bailiwick, as well within liberties as without." See the Return of the places where the proclamation was made in the county of Worcester, after p. 131.

‡ In the writs for Shires, the words are,—"within your said bailiwick."

§ To prevent mistake, I here give the date of the year according to the modern system of beginning the year with 1st January. Where dates

as to the beginning and governance of their gilds;

and as to the oaths taken and meetings held;

and as to all liberties, ordinances, and usages;

and moreover, as to all lands and goods of the gilds,

and as to the value of these;

and every other particular touching the gilds;

upon pain of forfeiture.

If they have any charters or letters patent, they must send copies of these with their returns.

to the manner and form and authority of the foundation and beginning and continuance and governance of the gilds and brotherhoods aforesaid: And as to the manner and form of the oaths, gatherings, feasts, and general meetings* of the bretheren and sisteren; and of all other such things touching these gilds and brotherhoods: Also as to the liberties, privileges, statutes, ordinances, usages, and customs of the same gilds and brotherhoods: And moreover, as to all lands, tenements, rents, and possessions, whether held in mortmain or not, and as to all goods and chattels whatsoever, to the aforesaid gilds and brotherhoods in any wise belonging or in expectancy, and in whose hands soever such lands, tenements, rents, possessions, goods, or chattels may now be for the use of such gilds and brotherhoods: And as to the true annual value of the said lands, tenements, rents, and possessions, and the true worth of the said goods and chattels: Also as to the whole manner and form of all and every the premisses, and of all other matters and things in any way concerning or touching the said gilds and brotherhoods: Upon pain of the forfeiture and perpetual loss of all the lands, tenements, rents, possessions, goods, and chattels aforesaid, to us and our heirs. And that the said Masters and Wardens shall bring and lay before us and our said council, before the said feast of the Purification, the charters and letters patent, if they have any,† granted by us or any of our forefathers, in any way touching or concerning the aforesaid gilds and brotherhoods, upon pain of the

are elsewhere given, from original documents, according to the old system of carrying on the old year up to and ending on the 24th March, I have added the 9 within brackets, thus "1388[9]."

* The distinction between the "gatherings" (congregationes) and "general meetings" (assemblias) is seen at a glance in most of the ordinances. The gild-brethren were bound to gather together, at unfixed times, on the summons of the dean, for special purposes; but, besides these gatherings upon special summons, general meetings of the gilds were held on fixed days in every year, for election of officers, holding their feasts, &c.

† These words ("si quas habent" in original) are alone conclusive upon what is, upon other grounds, shown in the Introduction; namely, that no license nor charter of the Crown was necessary to the beginning of any of the social gilds. Any gild might, or it might not, have such charters.

revocation and perpetual annulling of the charters and letters aforesaid, and of all the liberties, immunities, privileges, and grants contained in the charters and letters aforesaid. And that they shall be ready to do and undertake what shall be further ordered and appointed in the premisses by us and our said council, by virtue of the authority given us by Parliament. Make known to us and our said council, in our said Chancery, together with this writ returned, the days and places of the making of the proclamation, and the names of those who make it, under your seals, plainly and clearly, before the Octaves of Saint Hillary now next. And herein fail not at your peril. Witness myself at Westminster, on the first day of November, in the twelfth year of our reign.

And they must fulfil what else may be required under the authority of Parliament.

The Sheriffs must send up a statement of when, where, and by whom, the proclamation has been made.

Dated 1st November, A.D. 1388.

WYCHE.

[On the original writ, returned by the Sheriffs as above said, is the following indorsement:—]

We, Adam Karlille and Thomas Austyn, Sheriffs of London, make known to you that, by virtue of this writ, we did, on Monday next before the feast of St. Edward the King, in the twelfth year of the reign of King Richard the Second, as soon as this writ was seen, cause proclamation to be openly and publicly made in the city of London and in the suburbs thereof, where it seemed to us best, of all and every the things set forth in the writ, and all the matters therein contained, according to the form of the writ and as is therein commanded: namely, in Fleet Street in the suburbs of London;* also, at the Standard in Westcheap, London; also, at the Ledenhall upon Cornhill, London; also, at the Church of St. Magnus in Bridge Street, London; also, at the Church of St. Martin in the Vintry, London; also, in the town of Southwark; by William Averey, Clerk, and William Popiltone, Sergeaunt.

When, where, and by whom, proclamation was made in London and the suburbs.

Fleet Street in the suburbs;
The Standard in Westcheap;
The Ledenhall, Cornhill;
St. Magnus Church, Bridge Street;
St. Martin's Church, Vintry; Southwark.

* The present ward of Farringdon Without, in which Fleet Street lies, was not made into a separate Ward until five years after the issue of this Writ. Having, before, been a mere "suburb," it became, in 17 R. II., a separate Ward, choosing, thenceforth, its own Alderman. See Rolls of Parliament, 17 R. II. N°. 27.

(*b*) The Writ for Returns from Gilds of Crafts.*

The Sheriffs of London [and of every Shire in England] shall, by authority of the Parliament that lately met at Cambridge,

Richard, by the grace of God, King of England and France and Lord of Ireland, to the Mayor and Sheriffs of London, greeting. For certain good and reasonable causes brought and made known before us and our council in our last Parliament, held at Cambridge, We, strictly enjoining, command you that you do at once, on sight of these presents, in the city aforesaid and the suburbs thereof, where it shall seem to you best, let proclamation be made, openly and publicly, that all Masters and Wardens and Overlookers of all the Mysteries and Crafts in the city aforesaid and the suburbs thereof, who hold any charters or letters patent, granted by us or any of our forefathers, touching or concerning in any wise such mysteries and crafts,† shall bring and lay those charters and letters before us and our council, in our Chancery, before the feast of the Purification of the blessed Virgin Mary now next, wheresoever it may be, upon pain of the forfeiture and loss and perpetual annulling of the charters and letters aforesaid, and of all liberties, immunities, privileges, and grants in the said charters and letters contained. And that they shall be ready to do and undertake what shall be further ordered and appointed in the premisses by us and our said council, by virtue of the authority given us by Parliament. Make known to us and our said council, in our said Chancery, together with this writ returned, the days and places of the making of the proclamation, and the names of those who make it, under your seals, plainly and clearly, before the Octaves of Saint Hillary now next. And herein fail not at your peril. Witness myself at Westminster, on the first day of November, in the twelfth year of our reign.

make proclamation, calling on the Masters, Wardens, and Overlookers of all Gilds of Crafts holding any charters or letters patent, to send up, before the 2nd day of February, A.D. 1389, copies of such charters and letters,

upon penalty of forfeiture.

And they must fulfil what else may be required under the authority of Parliament.

The Sheriffs must send up a statement of when, where, and by whom, the proclamation has been made.

Dated 1st November, A.D. 1388.

WYCHE.

* CCCIX. 2. Condition, bad. Latin.

† These words show that, in the case of the gilds of crafts, as has been seen to be so in that of the social gilds, no license nor charter of the Crown was necessary to their foundation. See the note † on p. 128.

[The original of this writ bears an indorsement as to the making of the proclamations, in the same words as have already been given from the indorsement on the other writ. The manner of proclamation in the shires was very different from that in cities, as will be understood from the words used in the writs to the Sheriffs of shires.* How such proclamations were made, will be fully illustrated by the following example:—]

INDORSEMENT AS TO PROCLAMATIONS MADE OF THE TWO WRITS BY THE SHERIFF OF WORCESTERSHIRE. †

William Barewelle, Sheriff.

I have had all and every thing contained in this writ proclaimed, according to the tenor of the same writ, as is therein commanded: namely, at Worcester [city], on the Saturday next after the feast of the Conception of the Blessed Mary last past, by John Stalward; and at Evesham, on the Monday next following, by William Ombresley; and at Pershore, on the Tuesday then next following, by William Shrouesbury; and at Shipston, on the Wednesday next before the feast of St. Thomas Apostle, by Richard Battenhall; and at Kidderminster, on the Thursday next before the feast of St. Thomas Apostle, by William Shope; and at [Droit]Wich,‡ on the Friday next before the feast of St. Thomas Apostle, by William Shope; and at Dudley, on the Saturday next before the feast of St. Thomas Apostle, by the said William Shope; and at Tenbury, on the Tuesday next after the feast of St. Thomas Apostle, by Nicholas Warrewyke; and at Worcester, in the full Shire-mote held there on the Wednesday next before Christmas day, by the said William Shrouesbury; and at Upton-on-Severn, on the Thursday which was the eve of Christmas day last past, by John Wyggemore.

When, where, and by whom, proclamation was made by the Sheriff of Worcestershire.

City of Worcester;

Evesham;

Pershore;

Shipston;

Kidderminster;

Droitwich;

Dudley;

Tenbury;

The full Shire-mote of Worcestershire;

Upton-on-Severn.

* See notes before, p. 127. † CCCIX. 101. Condition, bad. Latin.

‡ It is strange that a man so careful as Prynne should interpret this "Wyche" as meaning *Nantwich*. (See the index to the fourth volume of his "Parliamentary Writs.") There can be no doubt whatever that it means *Droitwich*. Nantwich is in Cheshire.

NOTE.—The Writs of which the foregoing are translations, remain recorded in two original shapes. Both of them are entered on the Close Rolls,* with the statement added to each, that the Writ so entered was sent to every Sheriff throughout England. And one, and in some cases both, of the original Writs thus sent out, are still extant for a few places, besides London and Worcestershire. Those place are, Bristol (*social*), Cambridgeshire (*crafts*), Cornwall (*both*), Derby (*social*), Lincolnshire (*social*), Northamptonshire (*both*), Rutland (*both*), Southamptonshire (*both*), Surrey and Sussex [as one shire †] (*both*), Wiltshire (*both*), Worcestershire (*both*), and Yorkshire (*both*). Most of them are in bad condition. The fewness of the Writs that thus remain to us, tells the same tale of loss as does the fewness of the Returns that remain to us out of all that were in fact sent up from the Gilds. The number of those Returns that now remain, may be safely taken to stand in about the same proportion to the number of Returns that were originally sent up, as the number of the Writs that now remain stands to the number of Writs which we absolutely know were originally sent out to every Sheriff in England.

It is well worth attention, that not only do the terms of both these Writs distinctly affirm, twice over, that they are issued only by authority of Parliament, but there is incidental proof that this fact was thoroughly understood by those to whom they were sent. The Sheriff's Returns to the Wiltshire Writs, setting forth the places and times of the proclamations, were made on separate pieces of parchment [?], though tacked to the original Writs. One of these Returns is thus indorsed:—"12 R. 2, apud Westmonasterium: 1 November: de Proclamacione facienda, *auctoritate Parliamenti*, de Gildis et ffraternitatibus, eorum terris et Tenementis, &c."

Most of the Sheriffs' Returns as to the proclamations made, are indorsed upon the back of the original Writ; but some are, as in the case of Wiltshire, written on a separate slip of parchment [?], which is tacked to the original Writ.

In going carefully through these original Writs, I found a remarkable fact, before unknown; namely, that several of them, and also some of the separate Sheriffs' Returns, are written upon linen paper. Paper was, it is well known, made and used before this time; but it was not known, before I observed these facts, that it was ever used in England for writs issued out of the Chancery; nor has the kind of paper which I thus found, been ever before described (except by myself), or been

* Close Rolls, 12 R. II. *m.* 32, *in dorso.*

† Surrey and Sussex were generally treated, till quite a modern time, as one shire. See the description of John Evelyn's father as sheriff, at the beginning of Evelyn's Diary.

even known to have existed. It is of the colour and stoutness, and has the general appearance and touch, of parchment; but the wire marks of the linen fabric that forms its basis are plainly to be seen on a careful examination.* It is, however, so like parchment that an ordinary handling of it would not lead to the suspicion that it is not parchment, like the rest among which it is found. No other instance of the use of this paper for official, or indeed for any, purposes, is at present known. None of it is found used in any of the Returns that were sent up, in compliance with these Writs, by the Gilds themselves; and I have been assured, by those habitually familiar with our old records, that they have never met with examples of this remarkable paper.† It seems probable that some ingenious person hit upon this substitute for parchment, to meet some emergency, and made a small quantity, but that the process was too costly to be continued after the emergency had been met. There is not, however, in the history of paper-making, a more curious, nor, at present, a more unknown chapter, than the paper which my searches among the records of the English Gilds have thus brought to light.‡

A curious incidental proof of the neglect with which the bundles of records so largely used in this volume have been treated through five centuries,—proving indeed that they can never have been read through at all by any one, since the Returns were made, until I undertook the task,—is found in the fact that, among the Writs above named, there is one touching, at first sight, a very different subject, and which certainly ought to be in a very different place. It is a Writ for the recovery, from

* These wire marks are wholly different from the lines often found on parchment, which are made in the course of the tooling it undergoes to fit it for being written on.

† This does not, however, prove that it does not exist; as it is only in a good and oblique light, and on very careful handling, that the wire marks can be well seen. Search should be made in and between September and November 1388, for I think the original of the Writ given below, as to the Wardon share of expenses of the knights of the shire, is also made of the same paper. It is certain that attempts were made, not far from this time, to manufacture artificial parchment. See Mr. Way's note to the word "Sabrace," in *Promptorium parvulorum* (Camden Society), p. 440.

‡ See before, p. 44, *note*. I have tried some experiments as to how such a paper as this might be made; and I have succeeded in producing several specimens closely resembling it, and much more like parchment, and much easier to write on, than what is now made and sold as artificial parchment. The facts as to the before unknown paper thus found by me at the Public Record Office, were made generally known at the beginning of 1865, upon the suggestion of one who was better entitled than any other man in England to express an opinion on such a subject.

one Township in one Hundred in Northamptonshire, of its rateable share towards the expenses of the knights of the shire in Parliament. The matter is not, however, without a significant relation to the subject of English Gilds; the fundamental idea of Parliamentary representation being, that every Constituency, like every Gild, has an associated interest, coupled with an associated obligation. As the subject is, in itself, little understood, while it is of high constitutional importance, and as this Writ escaped even the researches of the lynx-eyed Prynne himself, who would have thoroughly rejoiced to have printed it had he found it, it is due to the Parliamentary History of England that I should give here what I have thus found so strangely interpolated among the fragmentary remains of the Returns sent up by the old Gilds.*

WRIT FOR LEVYING UPON ONE TOWNSHIP IN A SHIRE ITS SHARE OF THE EXPENSES OF MEMBERS OF PARLIAMENT.†

The usual writ was issued, on 4th June, A.D. 1388,

Richard, by the grace of God, King of England and France and Lord of Ireland, to the Sheriff of Northampton, greeting. Whereas,

* From the earliest beginnings of Parliamentary History in England, the expenses of members were defrayed by the organic commonalties that sent them. What is called the "Reform Act" of 1832, gives us the first time that the Statute Book was disfigured by a thing so repugnant both to Common Law and Statute Law as that a seat in Parliament should be a matter of sale and purchase, and therefore of personal ownership. See section 71 of that Act, and, further in the same direction, the Act 26 and 27 Vic. c. 29, sections 2-7. Compare with these the very different spirit of the Acts 34 and 35 H. VIII. c. 24, and 35 H. VIII. c. 11.; which were made, as both of them declare on their front, simply in accordance with the old and universal practice. It would be interesting to know who now enjoys the estate which was settled, by the former of these two Acts, with the careful intention of providing for the Parliamentary payments due to the knights of the shire for Cambridge.

One of the most valuable and interesting of the many works written by that man of undaunted courage, unswerving integrity, and untiring industry, William Prynne, was the fourth volume of his Parliamentary Writs. In it he dwells on the great importance of keeping alive the practice of paying the expenses of members of Parliament; and he there answers, in long anticipation, all, and more than all, that has been said, in later times, against such a practice.

Though Prynne did not know of the Writ given above, he was well aware of the principle of law which it so admirably illustrates; namely, that "every village was, of right, particularly taxed towards knights' expenses." (See Parl. Writs, vol. iv. p. 381.)

† CCCIX. 102. Condition, fair. Latin.

on the fourth day of June last past, we commanded you by our writ that you should cause to be paid, by the commonalty of the shire aforesaid, as well within liberty as without,—those cities and boroughs only being excepted* whence citizens and burgesses came to our Parliament which we caused to be summoned at Westminster on the morrow of the Purification of the blessed Mary last past—to *Sir Egidius Mallorre*, and *John Wydevylle*, Knights of the Shire, who came to the said Parliament for the commonalty of the said shire, forty-two pounds and sixteen shillings, for their expenses in coming to the said Parliament, in staying there, and in going back thence to their homes; as is recorded in the rolls of our Chancery: And now, on behalf of certain men of the Hundred of Wardon, much complaining, it has been shown to us that the township of Wardon, which is within the Hundred aforesaid, and which ought to pay towards these expenses of the Knights like as the other townships in the same Hundred do, and which has, from time beyond the memory of man, been accustomed to pay its right share of the expenses of the said Knights, has altogether refused to pay, to the manifest burthening of the other townships of the said Hundred, and the hindering of the settlement of the expenses aforesaid: And so they have besought us to find them redress. Now we, being unwilling that the other townships of that Hundred should be burthened more than is accustomed, command you to enforce upon the said township of Wardon the payment of its share of these expenses of the Knights aforesaid, like as the other townships of the same Hundred have done, and as it has been accustomed from of old time to do, according to the quantity of the lands and tenements there, and their means. And if the township shall still refuse to do this, then cause Robert Brewode, Stephen Hikkes, John Bole, and John Bocher, good men of the said township of Wardon,† to come before us in our Chancery, on the fifteenth day

for payment of the expenses of the Knights of the Shire for the Parliament that was summoned to meet on 3rd February, A.D. 1388; the sum being 42*l.* 16*s.*

But the township of Wardon, in the Hundred of Wardon, though it ought to pay its share, and has always done so before,

has now refused to pay; whereby other places get burthened, and the accounts remain unsettled.

It being wrong that other places should be overburthened, the Sheriff must make the township of Wardon pay its right share.

If it will not, then the four chosen men of the place must be sent up to London, to show the reason why;

* Because they separately paid their own members.

† There can be no doubt that the four "good men" thus named, were the "four" chosen, by the men of the place, to represent the township at the Hundred-mote, and for other purposes touching the common welfare of the place, during the year 1388. I have elsewhere shown that this was the old (and thoroughly effective) practice throughout England. See "The Parish" (second edition), pp. 16–19 (particularly p. 19), 121, 230. I add here another illustration, which will be found in Manwood's "Forest Laws" (ed. 1615), p. 252:—"It is to be noted that all the freeholders within the forest, as wel Spirituall as Temporal, must in any wise appeare before the Justice seat, *primo die Itineris*. And [also] of euerie towne, the Reue and foure men also with him, which is called *prepositus et quatuor homines*, &c." It will thus be seen that neither the Reeve nor the four

after Michaelmas day next, wheresoever it may be, to show cause why the said township of Wardon should not pay its share of these expenses of the Knights as the other townships of the said Hundred have done, and further to do and undertake what our Court shall adjudge in this behalf. And herein fail not at your peril. And have with you there this writ. Witness myself at Cambridge, the 17th day of September, in the twelfth year of our reign.*

and they will have to obey the judgment of the Court of Law.

Dated 17th September, A.D. 1388.

BURTONE.

chosen men were necessarily "freeholders." Domesday book, the Inquisitiones Nonarum, and every other original authority, prove that the "villani," or occupiers of any sort, took their active part in the local affairs. There has been so much misrepresentation put forth on this subject by superficial writers, that the truth cannot be too often brought to notice. See further hereon in the *Note* to the *Costomary of Tettenhall Regis*, at the end of Part III. of this volume.

* This Writ was thus issued for recovery of the expenses of the Parliament held in the early part of the same year (1388) in which the Parliament of Cambridge was itself held, though, owing to the date of his accession, the former fell in the eleventh, and the latter in the twelfth, year of Richard II. The year 1388 thus happened to be one of the many years when the "oftener if need be" was put in practice,—according to the old law of Edward III., that a Parliament shall be held "every year once, and oftener if need be." Two Parliaments were held within that year, with, as was always then the case, a fresh election to each. Sir Egidius Mallorre and John Wydevylle are named in Prynne's Parl. Writs, vol. iii. p. 122, as members of the first Parliament of 1388, but neither of them was sent to the second Parliament of that year. John Harowedon and John Mulsho were returned, in their stead, as members of the latter. Prynne found, and has printed, the records of the Writs issued for payment of the expenses of both these pairs of members (see Parl. Writs, vol. iv. pp. 397, 403), though he did not find the Writ which I have translated above.

II.

YORK.

(*a*) Gild of the Lord's Prayer.*

AS to the beginning of the said gild, be it known that, once on a time, a play, setting forth the goodness of the Lord's Prayer, was played in the city of York; in which play all manner of vices and sins were held up to scorn, and the virtues were held up to praise. This play met with so much favour that many said:—"Would that this play could be kept up in this city, for the health of souls and for the comfort of the citizens and neighbours." Hence, the keeping up of that play in times to come, for the health and amendment of the souls as well of the upholders as of the hearers† of it, became the whole and sole cause of the beginning and fellowship of the bretheren of this brotherhood. And so the main charge of the gild is, to keep up this play, to the glory of God, the maker of the said prayer, and for the holding up of sins and vices to scorn. And because those who remain in their sins are unable to call God their father, therefore the bretheren of the gild are, first of all, bound to shun company and businesses that are unworthy, and to keep themselves to good and worthy businesses. And they are bound to pray for the bretheren and sisteren of the gild, both alive and dead, that the living shall be able so to keep the gild that

A play of the Lord's Prayer was once played in York,

which much pleased the people;

and so this gild was founded to keep up the play.

Therefore, its main charge is to keep up the play.

How only men can truly call God their Father.

Shun bad company and keep to good works.

* CCCVIII. 109. Condition, fair. Latin.

† "Audientium" in the original. This was therefore a spoken play, and not, as with the gild next following, a dumb show of set pieces in an array of pageants. In each case, however, it is equally clear that the performance, or show, was made whilst passing along the streets.

they may deserve to win God's fatherhood, and that the dead may have their torments lightened. Also, they are bound to come to the burial services of the dead bretheren and sisteren of the gild. And if any one does not leave enough to meet the cost of such services, the rest of the bretheren shall bear that cost. And if any brother dies and is buried away from the city, the bretheren shall hold services for him within the city of York.

Burial services shall be held.

Also it is forbidden that any brother of the gild shall, in the belief that he will have help from his bretheren, be forward in getting into lawsuit or quarrel, or in upholding any wrongful cause whatever, upon pain of losing all help and friendship, or any relief, from the gild. And because vain is the gathering of the faithful without some work of kindliness is done, therefore the bretheren have made this ordinance:—That if haply it befall that any of the bretheren be robbed, or his goods or chattels perchance be burned, or he be imprisoned for any wrongful cause, or be brought to want through any visitation of God, the other bretheren shall, for kindness' sake, help him according to his need, under the guidance of the wardens of the gild, so that he may not haply perish through lack of help. Also, they are bound to find one candle-bearer, with seven lights, in token of the seven supplications in the Lord's Prayer; which candle-bearer shall hang in the cathedral church of York, and be lighted on Sundays and feast days, to the glory and honour of God Almighty, the maker of that prayer, of St. Peter the glorious confessor, of St. William, and of all saints. Also they are bound to make, and as often as need be to renew, a table showing the whole meaning and use of the Lord's Prayer, and to keep this hanging against a pillar in the said cathedral church near to the aforesaid candle-bearer. Also they are bound, as often as the said play of the Lord's Prayer is played in the city of York, to ride with the players thereof through the chief streets of the city of York; and, the more becomingly to mark themselves while thus riding, they must all be clad in one suit. And, to ensure good order during the said play, some of the bretheren are bound to ride or to walk with the players until the play is wholly ended.

The gild will not help any man who rushes rashly into law or quarrel.

Professions, without works, are vain;

therefore, bretheren shall be helped, in case of robbery, fire, false imprisonment, or other mischance.

Lights shall be found.

A table shall be kept, showing the use of the Lord's Prayer.

Whenever the play is played, the gild shall ride with it through the streets, clad in livery;

and some of them shall keep order to the last.

And once in the year a feast shall be held, and fresh wardens shall be chosen by the gild, and a true account shall be given to the newly chosen wardens of all that has been done on behalf of the gild during the last year. Also it is ordained, that no one shall be let come into this gild, until after he shall have been questioned by the wardens of the gild as to whether he has bent his will to live rightly, and so to deal towards the gild and its affairs that he may be at one with the wardens. And because the founders of the said gild well knew that they themselves might not be wise enough to make, at once, all needful ordinances, therefore, at the end of the ordinances then made, they added this clause:—"Whensoever, and as often soever, as it may perchance happen that we or our successors, wardens and bretheren of this gild, may become wiser than we now are, none of us nor our successors shall be deemed a rebel, or as standing out against our wishes or against those of any of our successors, if haply we put forth, or there shall be put forth at any time hereafter, any new ordinance that will be for the greater glory of God or the welfare of this gild." Under which saving clause other wardens of the gild have since added, that a chaplain shall, once a year, celebrate divine service before the gild, for the good of the bretheren and sisteren of the gild, alive and dead, and for that of all the good-doers to the gild. Moreover, the bretheren are wont to meet together at the end of every six weeks, and to put up special prayers for the welfare of our lord the King and for the good governance of the kingdom of England, and for all the bretheren and sisteren of this gild, present and absent, alive and dead, and for all the good-doers to the gild or to the gild-bretheren; and also, once in the year, to have a general service for the dead bretheren and sisteren. There do not belong to the gild any rents of land, nor any tenements, nor any goods save only the properties needed in the playing of the before-named play; which properties are of little or no worth for any other purpose than the said play. And the gild has one wooden chest, in which the said properties are kept.

A feast shall be had, and fresh officers chosen, and an account rendered.

New-comers shall be pledged to a right life.

The founders were too wise to pretend to foresee everything:

so they ordained that new ordinances would be no treason.

This wise care has been acted on.

Divine service once a year specially,

and also once every six weeks.

The gild has no lands; all it has are the play-properties,

and a chest to keep them in.

[It is added that,] as the seals of the wardens of the gild will be

The truth of the return is officially attested.

unknown to many, they have asked that the seal of the Vicar-General of the Archbishop of York shall be put to this return; which has accordingly been done, in witness to the truth of the return, on the 21st January, 1388 [9].

[The people of York seem to have been fond of plays and pageants. Though nothing more is found touching any of these in the Returns made by the gilds in 1389, there is, in the British Museum (Lansdowne MSS. 403), a volume containing the ordinances of a very famous gild of that city, which long kept up an extraordinary annual show of pageants.* It seems to have been founded by the priests of York; and these ordinances, instead of being written in the unadorned simplicity of those contained in Part I. of this work, and of most of the others that were sent up with them, show themselves to have been drawn up by some learned ecclesiastic, more anxious for the display of his rhetorical powers than to bring himself to the level of men of common sense. They begin with a tedious scholastic disquisition upon the creation of man, the fall, what thence followed, the mystery of Christ as appearing in the flesh and in the eucharist, subtle illustrations of the unity of Christ's body and of the bretheren, and the seven rules of charity upon which it is declared that the Gild is founded. Then follow the ordinances themselves; the marked meagreness of which shows that, though the priest who wrote them might be equal to all manner of scholastic subtleties, he was not able to bring himself to the level of the ordinary common sense and good feeling of the laity in framing a body of gild-ordinances. The following is the substance of these ordinances:—]

* This MS. fills a parchment volume, eleven and a quarter inches long, by seven and a quarter wide, containing 154 leaves. Besides what follows, it contains ten lists of jewels, &c., belonging to the gild, and one list giving a "Memo^{d} þ^{t} thes er þ^{e} personelles off Iowelles þ^{t} standethe vpon þ^{e} Schryne off corporis Christi." There are also a few other unimportant documents. The ordinances are in Latin. It is clear that several copies of these ordinances, &c., were formerly in existence; for Drake names one in his History of York (p. 246), which is certainly not the one that is now in the British Museum.

(*b*) Gild of Corpus Christi.

The brotherhood was begun A.D. 1408.

The gild was begun A.D. 1403.

The first ordinance is, that on the feast of Corpus Christi, all the priests in their surplices, and the masters carrying white wands, shall go in stately procession, to the glory of God and of the city of York.

Every year, there shall be a procession.

The second ordinance is, that six priests, bretheren of the fraternity, shall be yearly chosen [as Masters]. Whoever refuses, shall pay xl.*d.* to the brotherhood. The six priests thus chosen shall have the governance of the whole gild and of all that is needful for it.

Six priests shall be yearly chosen for masters.

The third ordinance is, that those wishing to enter the brotherhood shall be received by the six masters. They shall not be bound by any kind of oath, but shall of their own will come into the brotherhood, without any bond other than the bond of charity; charging, however, their consciences that, according to their means and power, they shall so do that their coming into the gild may enable the charges of the gild, and its worthy works, to be the better borne and kept up.

New-comers shall not take any oath; but they shall have their consciences charged to make payments to the gild.

The fourth ordinance enjoins upon the priests the saying of daily prayers, and the performance of services after the death of any brother.

Services for the living and the dead.

The fifth ordinance requires that the lay bretheren of the gild shall make offerings for the souls of the dead. But it adds that, although laymen may come to the prayers, and be received into the gild, they shall not be let take any share in the councils or in the governance of the gild. No lay folks shall be admitted to the gild, save only those belonging to some honest craft; but all, as well clerks as lay folks, and of both sexes, will be received, if of good fame and conversation.

Laymen shall pay; and may pray; but they shall have no share in the management of the gild.

The sixth ordinance fixes the regular payments to be made by the bretheren and sisteren; and requires that all shall, under penalty of a fine, come when summoned. It also enjoins

Payments to be made.

the holding of certain services, and that payments shall be made by the gild to those who officiate thereat.

Lights shall be borne.

The seventh ordinance treats of lights that are to be borne at times named, and of the annual payments that are to be made for these. It goes on to forbid the coming of children or servants to the meetings of the gild. The six masters of the past year are told to give what help they can to the newly chosen masters of each new year, with a special charge that they shall let them know the dwellings of the bretheren and sisteren from whom they are to get payments. Twopence a day, or his food, shall be given to the collector; for (it is wisely said) "the laborer is worthy of his hire or his food." And it is ordained that the six masters for the time being shall annually, in the presence of their six fore-runners, and of six or eight other priests, and not more, who have before been masters, give an account of the goods of the gild to those who are chosen to follow them.

No children nor servants allowed.

Old masters shall help the new ones,

and an account shall be given before a select few.

NOTE.—Though the character of these ordinances could not have drawn many to join the gild, the way in which a procession of pageants was got up by the many crafts of York, to join with the procession of the priests, gave to the gild an importance which it could not otherwise have reached. The MS. in the British Museum shows that an extraordinary number, of both sexes, did join it. No less than 270 pages of the folio volume are filled with the names of the bretheren and sisteren. There are, on an average, fifty-five names on each page, thus making a total recorded number of bretheren and sisteren of not less than 14,850. That this gild should have become so popular, can only be explained by two things: *first*, the love of show and pageant which it gratified; *second*, a departure from the very narrow spirit of the original ordinances. That the latter underwent changes, is proved by a MS. in the Bodleian Library, which informs us that, when it was written (which was probably in the last years of Henry VIII. or first of Edward VI.), the gild had "a master and six priests, called the keepers of the said gild. Which master and keepers be yerely removeable with the octabes of the feast of Corpus Christi; and have for themselves no allowance nor fees. [This is not true.] Nevertheless, they are bound to keep a solempne procession, the sacrament being in a shryne born in the same through the city of York, yerely, the Fryday after Corpus Christi day; and, the day after, to have a solempne mass and dirige, to pray for the

prosperity of brothers and sisters lyving and the souls departed; and to keep yerely ten poor folks, having, every of them, towards their lyvinge, by yere, iij.*l.* vi.*s.* viii.*d.* And further they do find eight beds for poor people being strangers, and one poor woman to keep the said beds, by the yere, xiij.*s.* iv.*d.*"*

A memorandum left by an old town-clerk of York† shows that the procession which fills so humble a place in the "ordinances," was taken up with so much spirit by the lay craftsmen of York that, in 1415, no less than ninety-six separate crafts joined in it, and no less than fifty-four distinct pageants were prepared and presented in the procession by these crafts, while ten crafts made the show the more glorious by bearing a vast number of blazing torches. Of the fifty-four pageants thus carried through the streets of York, eleven had their subjects taken from the Old Testament; all the rest were taken from the New Testament.

[That this gild was held in high esteem, is proved by the following very curious deed, of which a copy is found in the before-named MS. in the British Museum. While this deed assures us of the alteration made in the governing body, as found from the MS. in the Bodleian Library, it does not entrust to the priests themselves, although bretheren of the gild, the performance of the services named, but the whole gild is made the Trustee for assuring the performance of those services for ever; an assurance which the lapse of a few years showed to have been but another illustration of the vanity of the closest tied settlements that human ingenuity can contrive:—]

(*c*) Agreement between the Prior of Thornholm and the Gild of Corpus Christi.

This Indentur tripartite,‡ made the twenty dey of Aprile, the yere of our lorde godd a thowsaunde fyve hundreth and fourteyn, betwix Sir Robert Lelegraue, Maister of the Fraternyte 20 April, A.D. 1514.

* Quoted in Drake's "History of York," p. 246.

† Also quoted by Drake, Appendix, pp. xxx–xxxij.

‡ This word is here used in a sense quite different from that in which it is now used. Instead of meaning that there were three persons, or bodies, as parties to the indenture, it means that three copies of the indenture itself were made on one skin of parchment, and then separated by the indenting knife.

and Gilde of Corpus Christi, within the City of york foundett, and the brethern of the same, vppon the oon party, and Thomas Tanfelde, prior of the house or priory of our lady of Thorneholm in the County of Lyncoln, vppon the other party; Witnessyth, that it is Accorded, Accovenanted, and fully Aggreid, betwix the said parties, for a yerely obite to be made within the Chappelle [of Seynt Thomas of Canturbury]* without Mikkillithbarr, in the Suburbes of the City of yorke, for euermore, in maner and forme folowyng. And for the perpetualle contynuance yerof, the seyd Thomas hath paid, the day of makyng hereof, vnto the seid Maister and brethern, a certen somme of money towardes the supportacion and help of the seid Gilde. Firste, the seid Thomas Tanfelde covenantes and grauntes, by thies presentes, for to cause a yerely obite to be soigne within the Chappelle of Seynt Thomas aforeseid, by the Maister and kepers of the Fraternyte and Gilde aforeseid, and by the preist of the seid Chappelle for tyme beyng, for the saules of Iohn Tanfelde and Agnes hys wyfe, Fader and moder vnto the seid Thomas, hys kynfalkes, benefactourȝ, and alle crysten saules, vppon wedensday in the secund weik of lent, or within Eghte daye next afore or aftyr the same day, as best may falle, euere yere duryng the naturall lyffe of the seid Thomas. For the whiche obite, the seid Thomas covenantes and grauntes, by thieȝ presentes, for to pay or cause to be paid yerely duryng hys seid lyff, the seid day of obite, vnto the Maisster of the seid Gilde, four pens; And to euery of the sex kepers of the same Gilde, tuppens; And to the preist of the seid Chappelle, foure pens; And to the beddell of the seid Gilde, Tuppens; And for brede to be distributed emonges pure folkes of the seid Chappelle, foure pens; And for brede and ale to be expend emonges the Maister, kepers, and preist afore-seid, atte seid deregy, foure pens; And to the belman of the City of yorke pronownsyng the seid obite, foure pens; And for a hedmesse penny, a penny; And vnto the Curate of Seynt

The Prior pays money to the gild, for certain services in perpetuity.

While he lives, the prior will bear the charge of these services,

paying the master and keepers of the gild, the chapel-priest, the bedel, the cost of bread and ale, the bell-man of York, &c.

* A line is drawn in the MS. through the words here put within brackets; but it must have been done through carelessness, as the same chapel is named again below, with the word "aforesaid" after it.

Michaelle kyrke, att ouse-bryg-End within the City of yorke, prayng for the saules of the seid Iohn Tanfeld and Agnes hys wyff yerely vppon Sondays by hys bederolle in the pulpitt, and for sayng a messe of Requiem for the saules abouenamed in the seid kirke atte seid day of obite, Eght pens; And to the seid Curate, and kirke-wardeyns of the seid kyrke for tyme beyng, for to be distributed in Almosse emonges pure folkes of the seid pariche beyng atte seid yerely obite and Messe, thyrteyn pens. And, aftir the decesse of the seid Thomas Tanfelde, the seid Maister and brethern covenantes and grauntes by thiȝ presentes, that the Maister and sex kepers, and the preist of the seid Chappelle for tyme beyng, shalle syng ye seid yerely obite within the seid Chappelle, for the saules of the seid Thomas Tanfeld, Iohn Tanfeld and Agnes hys wyfe, there kynsfolkes, benefactourȝ, and for alle crysten saules, vppon weddensday in the secunde weik of lent, or within eight days next afore or aftir the seid weddensday, as best may falle, yerely for euermore, atte custages and charges of the seid Maister and brethern of the seid Gilde and yer successours, to be made for euermore in maner and forme foloyng:— That is to say, the seid Maister and brethern covenantes and grauntes, and by thiȝ presentes, for to pay or cause to be payd yerely for euermore, atte seid day of obite, vnto the Maister of the seid Gilde for tyme beyng, iiij.*d.*; and to euere of hys sex kepers, ij.*d.*; And to the preist of the seid Chappelle, iiij.*d.*; And to the beddelle of the seid Gilde, ij.*d.*; And for brede to be distributed emonges pure folkes of the seid Chappelle, iiij.*d.*; And for brede and ale to be expend emonges the Maister, kepers, and preist aforeseid, atte seid deregy, iiij.*d.*; And to the belman of the City of yorke, pronownsyng the seid obite, iiij.*d.*; And a hedmasse penny; And to the Curate of Saynt Michaelle kyrke, atte ousebryg-end within the City of yorke, prayng for the saules of the seid Thomas Tanfeld, Iohn Tanfeld and Agnes, hys Fader and moder, openly by name, vppon sondays att Messe in the pulpitt by hys bederolle, And also for sayng a Messe of Requiem for ye saules afore-sayd, the seid day of obite, within the seid kyrke of Seynt Michaelle, Eight pens; And to the seid

After the prior's death, the gild undertakes the same charges, and all the same payments.

Curate and kyrke-wardeyns of the seid kyrke for tyme beyng, for to be distributed in Almos emonges pure folkes of the seid pariche beyng yerely atte seid obite and Messe, xiij.*d.* Vnto the which obite sothly yerely, and to alle and syngler covenantes and grauntes and paymentes yerely for euermore aftir the decesse of ye seid Thomas, welle truly and faythfully to be obserued, kept, and fullfillyd, by the seid Maister and brethern and yer successours as is afore-seid, the seid Maister and brethern byndes them-self and yer successourȝ by thieȝ presentes, vnto the seid Thomas and his executourȝ, and vnto the seid Curate and kirke-wardeyns and yer successourȝ, in x.*s.* of laufull englyshe money, in the name of a payn forfett, and to be payd to the vse and proffitt of the kyrk wark of Seynt Michaelle aforesaid, as aft tymes as the seid Maister and kepers and yer successourȝ shalbe remyssyve, negligent, and forgitt to syng the seid yerely obite, atte seid day and place hereaftir, And as oft tymes as the seid Maister and brethern and yer successourȝ pay not all and syngyller sommeȝ and particuler paymentes afore-seid by yem aboue covenanted and graunted. In witnese hereof, vnto twoo parties of thes indentourȝ triparted, remanyng with the seid Thomas Tanfelde and the seid Curate and kirke-wardeyns, the seid Maister and brethern hath putt yer common seale; And vnto the thirde partye of thieȝ seid Indentourȝ, remanyng with the seid Maister and brethern, ye seid Thomas hase putt-to hys seale. Yevyn atte halle of the seid Gilde, the day and yere aboue seid.

The gild binds itself to fulfil its undertakings, or to pay a penalty for every neglect.

(*d*) GILD OF ST. JOHN BAPTIST.*

Brotherly love to be cherished.

Help shall be given to those fallen into want.

Yearly service by a chaplain.

None shall use the gild's name to cover any wrong-doing.

The first charge of this gild is, to cherish brotherly love. And if any brother falls into want, so that he cannot maintain himself, he shall have, for kindness' sake, sevenpence every week from the gild. Service shall, once a year, be celebrated by a chaplain, for all the brethren, living and dead. No brother shall be so bold as to do wrong to any one, thinking that the gild will back him up. If he does, he shall be put out of the gild

* CCCVIII. 67. Condition, fair. Latin.

for ever. Every brother binds himself that, if he is wroth with a brother, without reasonable cause, he shall pay, the first time, a pound of wax; the second time, two pounds of wax; and, if he forgets himself yet a third time, he shall do what the wardens of the gild, with twelve of the brethren, shall ordain, or be put out of the gild. The affairs of the gild shall not be told to any one, unless for the good of the gild. The gild has no goods other than what are raised by yearly payments. Dated at York, the 22nd day of January, A.D. 1388 [9].

How quarrel-makers shall be dealt with.

The wardens and twelve brethren shall be the last appeal.

The affairs of the gild shall not be told.

The gild has no goods beyond yearly payments.

[There is no other Return from any gild in the City of York, among what remain of the Returns sent up in January, 1389.]

III.

BEVERLEY.

(*a*) Gild of St. Elene.*

The gild was begun A.D. 1378.

This Gild was founded, by persons named in the return, on May 3rd, A.D. 1378. An alderman and two stewards are chosen every year. At the year's end, the alderman and stewards, and the bretheren and sisteren of the gild, meet together, on the feast of St. Elene. And then a fair youth, the fairest they can find, is picked out, and is clad as a queen, like to St. Elene. And an old man goes before this youth, carrying a cross, and another old man carrying a shovel, in token of the finding of the Holy Cross.† The sisteren of the gild follow after, two and two; and then the bretheren, two and two; and then the two stewards; and after all follows the alderman. And so, all fairly clad, they go in procession, with much music, to the church of the Friars Minors of Beverley; and there, at the altar of St. Elene, solemn mass is celebrated, and every one of the gild makes offering of a penny. The mass ended, and all prayers said, they go home; and, after dinner, all the gild meet in a room within the hall of the gild; and there they eat bread and cheese, and drink as much ale as is good for them. Afterwards, they choose, by unanimous assent, out of the best men of the gild, an alderman and two stewards for the next year; and to these must be handed over all the goods of the gild. The alderman and stewards are bound to maintain two, three, or four bedridden poor folks while

Officers chosen yearly. Meeting of the gild every year.

A youth is dressed up like St. Elene.

An old man bearing a cross, and another bearing a shovel, go before him.

Then come the sisteren; then the bretheren; followed by the stewards and the alderman.

The procession goes, with music, to church.

Mass is celebrated.

After dinner, they all go to the gild-hall, and there eat and drink.

Then they choose an alderman and two stewards for the next year.

Bedridden poor

* CCCVIII. 40. Condition, good. Latin.

† As to the story of the finding of the Holy Cross, see the *Note* upon the Gild of the Holy Cross of Stratford-upon-Avon, further on.

they live; and, when these die, they must bury them, and choose others in their place, and in like manner maintain them. Three wax lights are kept burning every Sunday and feast day, in honour of St. Elene; and at the morning mass of Christmas day, thirteen wax lights are burnt. There are services for the dead, and offerings. Any money in hand at the end of the year, is spent in repairing the chapel of the gild, and in gifts to the poor.

must be maintained.

Lights, and services for the dead.

Application of yearly surplus funds.

(*b*) Gild of St. Mary.*

This gild was founded, by persons named in the return, on January 25th, A.D. 1355.

The gild was begun A.D. 1355.

There shall be an alderman and two stewards of the gild, who shall manage its affairs according to what the bretheren and sisteren shall have agreed. The bretheren and sisteren shall each pay, on entry, towards the expenses of the gild, five shillings, and one pound of wax, or more. Every year, on the feast of the Purification of the blessed Mary, all the bretheren and sisteren shall meet together in a fit and appointed place, away from the church; and there, one of the gild shall be clad in comely fashion as a queen, like to the glorious Virgin Mary, having what may seem a son in her arms; and two others shall be clad like to Joseph and Simeon; and two shall go as angels, carrying a candle-bearer, on which shall be twenty-four thick wax lights. With these and other great lights borne before them, and with much music and gladness, the pageant Virgin with her son, and Joseph and Simeon, shall go in procession to the church. And all the sisteren of the gild shall follow the Virgin; and afterwards all the bretheren; and each of them shall carry a wax light weighing half a pound. And they shall go two and two, slowly pacing to the church; and when they have got there, the pageant Virgin shall offer her son to Simeon at the high altar; and all the sisteren and bretheren shall offer their wax lights, together with a penny each. All this having been solemnly done,

Officers of the gild.

Payments on entry.

Yearly meeting.

A pageant shall be prepared,

which shall go in procession to the church, with music and gladness.

* CCCVIII. 104. Condition, fair; but a large piece destroyed. Latin.

they shall go home again with gladness. And any brother or sister who does not come, unless good cause for staying away be shown, shall pay half a pound of wax to the gild. On the same day, after dinner, the bretheren and sisteren shall meet together, and shall eat bread and cheese and drink ale, rejoicing in the Lord, in praise of the glorious Virgin Mary; and they shall then and there choose, with the assent of the elder part of the bretheren and sisteren of the gild, an alderman and stewards for the next year, who shall at once undertake the affairs of the gild. Prayers and offerings shall be given for the dead. The alderman and stewards of the gild shall visit those bretheren and sisteren who are poor, ailing, or weak, and who have not enough of their own to live upon; and they shall give to these as they think right out of the gild stock, as has been agreed; namely, to each one so being poor, ailing, or weak, eightpence, sixpence, or at least fourpence, every week, to help their needs. And if any of those poor bretheren dies, or any other of the gild who is not well off, he shall be buried at the cost of the gild, and have all becoming services.

Any one not coming shall be fined.

After dinner all shall meet and enjoy themselves; and afterwards shall choose fresh officers.

Services for the dead.

Poor, ailing, weak, and needy bretheren, shall be visited and helped.

Poor bretheren shall be buried at the cost of the gild.

(*c*) The Great Gild of St. John of Beverley of the Hanshouse.*

[This is one of the very few of the returns remaining in the Record Office, of those that were made under the Writ (*b*), from Gilds of Crafts. It gives us, therefore, no ordinances: nothing but a few, though highly interesting, Charters. The earliest of these is the following:—†]

* CCCVIII. 108. Condition, partly fair; partly bad. Latin.

† The absence of any ordinances, in the returns made by this and the like Gilds, is much to be regretted. The ordinances of the Gilds of Crafts would be of quite as much interest as those of the Social Gilds. I have recovered, from the heretofore unknown archives of the city of Exeter, the original ordinances of three Craft-Gilds, which will be found under the head of "Exeter," further on in this Part II. Of the returns made under the Writ (*b*) [before, p. 130], a more complete and characteristic example, or one more historically valuable, could not be given than the present return from Beverley.

Thurstan,* by the grace of God Archbishop of York, to all the faithful in Christ, as well now as hereafter, Greeting; and God's blessing and his own. Charter of Archbishop Thurstan.

Be it known to you that I have given and granted, and, with the advice of the Chapter of York and Beverley and of my barons, have by my charter confirmed, to the men of Beverley, all liberties, with the same laws that the men of York have in their city. Grant of liberties to the men of Beverley, the same as are held by the men of York.

Moreover, be it not unknown to you that the Lord Henry our king [Henry I.] has, with a good will, granted to us the power of making this [charter]; and has, by his own charter, confirmed our statutes and our laws, after the manner of the laws of the burgesses of York, saving what behoves to God and St. John and myself and the canons; that so he might uphold and enlarge the honour of the alms-deeds of his predecessors. King Henry has empowered him to make this charter.

With all these free customs, I will that my burgesses of Beverley shall have their "Hanshus;" which I give and grant to them in order that therein their common business may be done,† in honour of God and St. John and the canons, and for the amendment of the whole town, with the same freedom that the men of York have in their "Hanshus." The burgesses shall have their Hanshouse.

I also grant to them toll for ever, for xviij. marks a year; saving on the three feasts on which toll belongs to us and the canons, namely, on the feast of St. John the Confessor in May, and the feast of the Translation of St. John, and the Nativity of St. John Baptist. On these three Right of toll is granted to them, save on three feast-days, which shall be toll-free.

* A copy of Thurstan's charter, a translation of which now follows, is given in the enlarged edition of Rymer's Fœdera (1816, vol. i. p. 10), and another in Poulson's "Beverlac," vol. i. p. 51. The compilers of those works were, however, none of them aware of the existence of the MS. which I am now using. There are many variances between their copies of Thurstan's charter and that which is translated above. Both profess to copy from a MS. in the Tower. But the original charter could only be in right custody among the archives of Beverley. In the absence of the original charter in such right custody, the MS. which I now use would be the only legal evidence of its contents, having been made under order of Parliament, and by the men of Beverley themselves, and being now found in the proper custody. I therefore follow its terms throughout.

† The phrase in the original is, "ut ibi sua statuta pertractent;" the sense of which is better expressed by the phrase given above than it would be by any more literal translation.

feasts I have made all the burgesses of Beverley free and quit of every toll. This charter also bears witness, that I have granted to the same burgesses free right of coming in and going out; namely, within the town and beyond the town, in plain and wood and marsh, in ways and paths and other easements,—save in meadows and corn-fields,—as good, free, and large as any one can grant and confirm. And know ye, that they shall be free and quit of any toll through the whole shire of York, like as the men of York are. And I will that whosoever gainsays* this shall be accursed, as the manner of cursing is in the church of St. John, and as shall be adjudged in the church of St. John. These are the witnesses:—Geoffry Mirdoc, Nigel ffossard, Arnald† Perci, Walter Spec, Eustace son of John, Thomas‡ the provost §, Turstin the archdeacon, Herbert the canon ||, William the son of Tole, William of Bajus;—before the household, both clergy and laity, of the Archbishop in York ¶.

They shall have every right of way, in town and out of town.

They shall be as free of toll throughout Yorkshire as the men of York are.

Every gainsayer of this charter shall be accursed.

Witnesses.

[This charter is followed by another, granted by Archbishop William, the successor of Thurstan, confirming, though in different words, the substance of the former charter, and granting free burgage to the town and burgesses, and that they shall have a Gild Merchant and the right of holding pleas among themselves, the same as the men of York have among themselves.

Then follows a confirmation of these two charters, by Pope Lucius III.,** in the following words:—]

Charter of Archbishop William.

Grant of Gild-Merchant, and right of holding pleas in Beverley.

* In my MS. the word is "despicerit;" in Rymer it is "disfecerit;" in Poulson it is "dissecerit," which is probably only a misprint for the same word as Rymer gives.

† "Alan de," in Rymer.

‡ "Tom," in Rymer.

§ See the Note † before, p. 135.

|| "Herbert can," in Rymer.

¶ Thurstan was chosen Archbishop of York on August 14th, A.D. 1114. It is said, in the "Chronological Index" to Rymer, that this charter was granted A.D. 1132; but no authority is given for fixing on that particular year.

** There were two bishops of Rome in the twelfth century of this name. Lucius II. was chosen on March 12th, 1144, and died February 25th, 1145. Lucius III. was chosen September 1st, 1181, and died November 24th, 1185. The Lucius who made this charter must have been Lucius III.; for Henry, "rex Anglorum," is spoken of as if then living, and this can only have been Henry II., whose reign began in 1154, and ended in 1189.

Lucius, Bishop, servant of the servants of God, to his beloved children the men of Beverley, Greeting and Apostolic Benediction. The charge which we have undertaken moves us to listen, and readily to yield, to the right wishes of those who ask; and our well-known kindness urges us to do so. And because we make the Redeemer of all men propitious to us when we give careful heed to the just demands of the faithful in Christ, therefore, beloved children in the Lord, giving ready assent to what you ask, Your Liberties, and the free customs which Thurstan and William of happy memory, Archbishops of York, are known to have piously and lawfully granted to you, as is found in authentic writings made by them, which have been confirmed by our dearest son in Christ, Henry, the illustrious king of the English, We do, by our apostolic authority, confirm; and, by help of this present writing, we do strengthen: decreeing that no man shall disregard this our confirmation, or be so rashly bold as do aught against it. And if any one dares to do this, let him know that he will bring down on himself the wrath of Almighty God, and of the blessed Peter and Paul, Apostles. Dated, xiij. kalends of September [20th August; no year is given].

Pope Lucius III.,

listens to right wishes,

and confirms the liberties granted by Archbishops Thurstan and William,

already confirmed by Henry II., "King of the English."

[This confirmation by Pope Lucius III. is followed by a very long charter of Richard II., dated January 30th, A.D. 1379. It is what is called an *inspeximus* charter, and is of curious historical interest, inasmuch as it sets forth (as having been 'inspected') charters of Edward the Third, Edward the Second, John, Edward the First, Henry the Third, Richard I., Henry the Second, and Henry the First, with the names of the witnesses to several of them; many of the latter being names illustrious in the history of England. These charters confirmed the liberties granted by the charters of Archbishops Thurstan and William, and also, in express terms, the rights of the Gild-Merchant to toll, Hanshouse, etc. The object of the charter of Richard II. is, to re-affirm all the charters which it states to have been thus 'inspected *.']

Inspeximus charter of Richard II.;

reciting charters of Kings Ed. III., Ed. II., John, Ed. I., II. III., H. II., and H. I.;

and confirming the whole of them.

* No mention is made, in Poulson's "Beverlac," of the confirmation by Pope Lucius; nor are the Letters Patent of Richard II. set forth in that elaborate and interesting work.

(*d*) Gild of Corpus Christi.*

The gild was founded to hold a yearly procession.

In Beverley, as in York, there was a gild of Corpus Christi; the main object of which was there, as in York, to have a yearly procession of pageants.† It was, like that of York, made up of both clergy and laity. The ordinances begin by stating that the

The celebration of Corpus Christi was begun in the latter part of the thirteenth century.

"solemnity and service" of Corpus Christi were begun, as a new thing, by command of Pope Urban iiij. and John xxij.‡ The ordinances are of a much more common-sense and liberal character than those of the Gild of Corpus Christi of York.

Help to those in want.

Help is to be given to bretheren falling into want.

Quarrels must be settled by the gild.

In case of quarrel between any bretheren, the rest of the gild must use their endeavours to restore a good understanding between the quarrellers.

* CCCVIII. 110. Condition, fair; but a large piece destroyed. Latin.

† See some account of these in Poulson's "Beverlac," pp. 268–275.

‡ It is usually stated that Urban, alone, founded this celebration. He was Pope from August 1261 to October 1264. John was Pope from August 1316 to December 1334.

IV.

KINGSTON-UPON-HULL.

[In the bundles of returns as to English Gilds now remaining in the Public Record Office, there are three from Kingston-upon-Hull. All the three have one characteristic, which marks them out from most of these returns. Instead of giving a copy of ordinances, with the other particulars asked for by the writ, each of the three gives the copy of an original charter, or deed of foundation, by which the gild was endowed, and in which certain ordinances were set forth by the founders. Each of the three, though all are alike in this respect, differs widely from the others in details. All are long. A full summary of the most complete of them shall therefore be here given. A shorter outline of the others will be enough to show the differences that existed, in the same place, in the views taken by the independent and self-reliant men who founded these gilds.]

(*a*) Gild of the Blessed Virgin Mary.*

The gild was begun A.D. 1357.

It was founded by men and women.

This gild was founded on Sunday, the 23rd July, A.D. 1357. The names of the twenty-two founders are given; of whom there are ten men and twelve women, nine of the latter being wives of founders, and three not so.† The founders charge their estates with the yearly payment to the gild, from each married couple, and from each single man and woman, of two shillings and two-

Yearly payments shall be made.

* CCCVIII. 105. Condition, fair. Latin.

† It will be seen, by the closing paragraph of this deed, that after it had been prepared, but before it was formally sealed, the wife of another of the founders joined the gild, thus making thirteen women, ten of them being wives, among the founders.

pence in silver, to be paid quarterly; and if any such payment is in arrear (which God forbid), the warden of the gild is empowered to distrain upon the goods of the defaulter. When, with the assent of the whole gild, any fresh man and wife enter the gild, they shall together pay two shillings and twopence yearly during their lives, and afterwards the survivor shall pay the same sum. If an unmarried man or an unmarried woman enters the gild, each shall be bound to make the same yearly payment. If any brother or sister afterwards marries, the gild will take one payment of two shillings and twopence for man and wife together, upon the condition that the charge remains upon whichever of the two shall survive the other. Any brother or sister living outside the town, and not making payment on a day certain, fixed by himself, shall be fined one pound of wax the first time, and two pounds of wax the second time; and whoever is thus in default a third time, shall be put out of the gild, and outlawed, unless special grace be given. If any one of the gild becomes surety for another of the gild, that any debt due to the gild shall be paid on a day certain, and the debt is not paid, and the debtor has no goods, the sum shall be levied upon the surety, without any plea or delay. If any debtor or his surety is abusive, either in word or deed, and refuses payment when the wardens seek this, then double the amount of the debt shall be levied, unless grace be given.

Arrears may be distrained for.

New-comers shall pay the same.

One payment is enough for man and wife,

the survivor being bound to continue it.

Defaulters living outside the town shall be fined; and, at the last, be put out of the gild.

Liability of sureties.

If a debtor misbehaves, he shall pay double.

When an alderman and steward have been chosen, they shall take two of the more discreet men of the gild to help them; and all the gild shall abide by what the alderman and steward and their two help-men may do in the name of the gild.

An alderman, steward, and two help-men shall act in the name of the gild.

If it befall that any of the gild, either a brother or an unmarried sister, being young and able to work, has, through mishap, become so poor that help is much needed, there shall be paid to him, out of the goods of the gild, as a free grant for one year, ten shillings, to enable him to follow his own calling in such manner as he thinks best.* And if, owing to weakness or

Help shall be given to those in need, and able to work, to enable them to follow their callings.

* The original words of this phrase are, "ad mercandisandum ad opus suum proprium, prout sibi melius viderit expedire."

any other cause that may be excused, he is not able to earn back the ten shillings during the first year, he shall be let keep the money for another year. If at the end of the two years he is not able to earn back the ten shillings, nor to make increase thereupon, nor to live on his own, he may keep the money for yet another year, in order that he may make a profit out of it. If at the end of the third year he is unable to earn back, beyond what is his own, the ten shillings with an increase, then the money shall be wholly released to him.

Whoever is afflicted, shall have help from the gild during life.

If it happen that any of the gild becomes infirm, bowed, blind, dumb, deaf, maimed, or sick, whether with some lasting or only temporary sickness, and whether in old age or in youth, or be so borne down by any other mishap that he has not the means of living, then, for kindness' sake, and for the souls' sake of the founders, it is ordained that each shall have, out of the goods of the gild, at the hands of the wardens, sevenpence every week; and every one so being infirm, bowed, blind, dumb, deaf, maimed, or sick, shall have that sevenpence every week as long as he lives. If any of these poor and infirm folks should get so low in the world that he cannot pay the before-named yearly charge of two shillings and twopence, and has no goods on which it may be levied, then part of the weekly payment of sevenpence shall be set aside, so that the quarterly payments towards the two shillings and twopence shall be fully made, and so that on no account shall that yearly payment be released. But if any brother or sister of the gild wishes, at any time, to make a pilgrimage to the Holy Land, then, in order that all the gild may share in his pilgrimage, he shall be fully released from his yearly payment until his return.

The yearly payment due from each, shall be taken out of the help thus given.

A pilgrim to the Holy Land shall be released from payments while away.

The gild shall meet at times stated.

All the bretheren and sisteren shall meet in the chapel of the Virgin Mary on Assumption day, to make offerings. Whoever does not come, unless for reasonable cause, shall pay a pound of wax. And, under the same penalty for absence, all the bretheren and sisteren shall come to the burial and other services, on the death of any brother or sister.

Punishment for

If any brother or sister be rebel or foul-mouthed at any

misbehaviour at any meeting.

Punishment for trying to defraud the gild.

meeting of the gild, he shall pay a pound of wax. If any of the gild cheats the wardens as to any matter of payment due, or profits made, or fine, and it is proved, and yet he stands it out, he shall pay two pounds of wax, unless he have grace. Moreover, if any brother or sister be found charged under any articles* touching felony, such as robbery, man-killing, house-burning, assault, plunder, rape, prison-breach, counterfeiting money, forswearing the realm, conspiracy, treason, harbouring thieves, outlawry, sorcery, heresy, or any other felony touching life or limb (which God forbid), then it is ordained that every such brother and sister be, without any delay, altogether put out from this gild. And also, if any man or woman† of the gild shall ever be found to be a blackguard,‡ lover of law-suits, libeller, bully, night-walker, destroyer of goods, liar, harlot, excommunicate, or guilty of any other crime injurious to the good name of the gild and the bretheren thereof, he shall, unless sooner punished by the law, be put out of the gild. And if any of these evil-doers, or their heirs or executors, or any other in their name, make claim to any share of the goods and chattels of the gild, or demand a division thereof, it is ordained that every such claim will be wholly void and of none effect, and that no claim of the kind can be maintained before any judge, ecclesiastical or civil.

Any one guilty of felony shall be put out of the gild.

Any one bringing discredit on the gild shall be put out.

None so put out shall have any claim on the gild.

Quarrels shall be settled by the gild.

If any of the bretheren or sisteren quarrels with any other

* This refers to the Articles of Inquiry which at that time were regularly and frequently made in every Court Leet, Sheriff's Tourn, &c. I have elsewhere published many examples of the use of these Articles of Inquiry. See "The Parish" (second edition), pp. 19, 23, 105, 367–372, 463; "Local Self-Government," p. 298; "The Law of Nuisances" (fourth edition), pp. 5–11.

† The usual phrase "frater vel soror" is here changed to "masculus vel femella,"—as if the founders of the gild found it painful even to contemplate the possibility that any who had once been called by the more endearing name of brother or sister of the gild, should do such bad things.

‡ The original is "malefactor," *i.e.* bad-doer. I do not think it was used in its modern very limited sense; and "blackguard" no doubt comes nearest to what was meant. The context shows this.

(which God forbid), it is ordained that, inasmuch as the gild was founded to cherish kindness and love, the alderman, steward, and two help-men, shall deal with the matter, and shall earnestly strive to make the quarrellers agree together, without any suit or delay, and so that no damage, either to body or goods, shall in any wise happen through the quarrel; under penalty of four pounds of wax, to be paid equally by the alderman, steward, and help-men, or some of them, unless they have grace. And if the quarrellers will not obey the summons of these four officers, nor settle their quarrel in a reasonable manner, then the one who is found most in fault shall pay four pounds of wax, unless he have grace. Moreover, if the alderman, steward, and two help-men are unable to agree in a matter of this sort, or in any other matter touching the welfare of the gild, then all and every of the gild shall be summoned and meet, and the matter in difference shall be discussed before them, and be referred to them for settlement.

The alderman, steward, and help-men, shall (under penalty for neglect) try to settle every quarrel.

Penalty on the quarreller most in fault, if he will not settle.

The whole gild shall decide, if the officers do not agree on this or any other matter.

If the wife of any brother dies in her husband's lifetime, and the same brother afterwards marries again, as is natural and often done,* the second wife shall become a sister of the gild without any fine or payment.

No payment shall be made on the admission of a second wife to the gild.

Whenever any fresh brother or sister wishes to come into the gild, it is ordained that, before being received, all the ordinances here set down shall be read over, openly and plainly, so that, should it happen that any one afterwards fails in aught, or incurs any penalties, none may be able to say that anything has been done to which assent was not given on the first day of coming into the gild,—which was done wholly of the free will of the in-comer.

The ordinances shall be read over to every fresh comer, so that ignorance may not be pretended.

An oath shall be taken, by every one coming into the gild, to observe all the ordinances.

An oath shall be taken.

All the men of the gild, for themselves and their wives, and all the unmarried women for themselves, have set their seals to the deed; and the seal of the Dean of Herthill is added, to attest

Seals put to the foundation deed.

* The original of this odd phrase is,—"ut est moris naturaliter."

these. [It is added that] afterwards, on the same day, Juliana, the wife of William of Brentyngham (one of the founders of the gild), joined the gild, and was duly sworn.

The gild has in hand xix. *lib.*

(*b*) Gild of Corpus Christi.*

The gild was begun A.D. 1358. It was founded by men and women.

This gild was founded on Thursday, the last day of May, A.D. 1358. The names of the forty-three founders are given, eighteen of whom are women, and the rest men. The estates of the

Payments shall be made.

founders are charged with payments, as in the case of the last-named gild, but in a different manner. These founders charge themselves with the payment of ten shillings a year for five years, by two payments in each year; and, after the end of the five years, with the payment of one penny and one farthing each week. Instead of a power of distraining for arrears being given, defaulters are to be put out of the gild. Every new-comer into the gild shall pay five farthings a week through his whole life. There are clauses as to the liability of sureties, and as to the doubling of debts in case of resistance by word or deed, nearly the same as in the last-named gild.

An alderman, chamberlain, and eight help-men shall act in the name of the gild.

The alderman and chamberlain (as the steward is here called) shall take eight discreet men to help them, and the gild shall abide by what these do in the name of the gild.

Meeting of the gild.

All shall meet on the festival of Corpus Christi to make offerings, under the usual penalty for absence. Any one misbehaving at any meeting of the gild shall be fined.

Help shall be given to enable bretheren to follow their callings.

If it befall that any brother or sister become, by mishap, so poor that help is needed, twenty shillings shall be granted to him for one year, to enable him to follow his calling. And if he cannot earn the twenty shillings in that year, he shall keep the money for another year. And if then he cannot earn it, with increase, nor make his living, he shall have it for another year, so that he may make a profit out of it. And if, through no fault of

* CCCVIII. 106. Condition, fair; but a piece destroyed. Latin.

his own, he can get no increase even in the third year, then the money shall be released to him.

A clause follows as to giving help to the infirm, bowed, blind, dumb, deaf, maimed, and sick, nearly the same as in the last-named gild: but the weekly dole is to be fourteen pence. A deduction is here, as in that case, to be made from the dole, to meet the yearly payments due from each of the gild. Help shall be given to the afflicted.

Every brother and sister shall, under penalty, come to the burial of any brother or sister who has died.* Burials shall be attended.

There is a clause as to the ordinances being read over to new-comers, nearly the same as in the last-named gild. The ordinances shall be read over to new-comers.

The seals of the founders are set to the deed. The names of several witnesses are added: the first among whom are the mayor of Kingston-upon-Hull, and the bailiff of the same place. Seals put to the deed, and witnesses thereto.

[It seems that this gild assumed the power of adding to the ordinances set forth by the founders; for it is added in this Return, after the copy of the foundation deed:—]

That all the bretheren and sisteren shall meet on the anniversary of the gild, or pay a pound of wax. Another meeting of the gild.

Moreover it is ordained, that no money belonging to the gild shall ever be risked in trading beyond sea, unless by special grace, and then two sureties must be given. No risks beyond sea.

And it is ordained, that when the son or daughter of any bretheren of the gild would come into the gild, they shall be honourably received, without any payment; but they must bind themselves to fulfil the ordinances of the gild. None, save the children of gildsmen, shall come into the gild without paying three pounds of silver, unless it be by special grace. Sons and daughters of bretheren admitted without payment; others shall pay heavily.

(c) Gild of St. John Baptist.†

The date of the foundation is destroyed, and so are the names of some of the founders. Twenty-one founders' names remain.

* It is remarkable that this applies only to the burial (sepulturam). Nothing whatever is said, as is usual, about services for the soul, &c.

† CCCVIII. 107. Condition, fair; but a piece destroyed. Latin.

Yearly payments shall be made.

Each charges his estate with the payment of two shillings yearly to the gild, payable quarterly. If any payment shall be eight days in arrear, the alderman may levy double the amount. Two shillings a year shall be the payment for man and wife together, the survivor paying the same. A single man or woman shall pay the same. Sureties shall be liable, as in both the foregoing gilds; and debts shall be doubled in case of refusal to pay.

An alderman and two help-men shall act in the name of the gild.

When the alderman is chosen, he shall take two discreet men of the gild to help him; and all the gild shall abide by what these three do in the name of the gild.

Punishment for attempts to defraud the gild.

If any one of the gild cheats the alderman as to any matter of payment due or profit made, or is otherwise rebellious, he shall pay two pounds of wax.

Meeting of the gild. Penalty on misbehaviour.

All shall meet together on the feast of the nativity of St. John Baptist, to make offerings, etc., under penalty. Any one misbehaving at any meeting of the gild, shall be fined.

Help shall be given to the afflicted.

This gild has a provision much the same as the two others, as to help to be given to the infirm, bowed, blind, dumb, deaf, maimed, and sick. But in this case each one of the gild is required to pay a weekly sum; in addition to which, five shillings are to be given to each of the afflicted at the feast of St. Martin in winter, to get a garment. A deduction must, if necessary, be made, as in the other gilds, to cover the yearly payments.

Burials and burial services shall be attended.

All must come to the burial of any brother or sister, and also to the other services for the dead, under penalty.

Entrance fee of any marrying one of the gild;

and of others.

When any man marries a sister of the gild, and afterwards wishes to come into the gild, he must pay six shillings and eightpence. Every one else must pay thirteen shillings and fourpence.

Fees for apprentices.

If any brother take any apprentice, the apprentice must pay, or his master for him, twelve pence and one pound of wax.

The ordinances shall be read over to new-comers.

There is a clause as to the reading over of the ordinances to every fresh comer, to the same effect as in the two other gilds.

Seals put to the deed, and witnesses thereto.

The seals of the founders are set to the deed, and witnesses are named, among whom the mayor and the bailiff of Kingston-upon-Hull stand first.

Goods of the gild.

The gild has in hand xx.*lib.*

V.

LANCASTER.

Gild of the Holy Trinity and St. Leonard.*

These ordinances were made on the feast of St. Leonard A.D. 1377. The gild was begun A.D. 1377.

Whoever is admitted to the gild shall make oath to keep these ordinances. Oath to keep the ordinances.

No one of the gild shall do anything to the loss or hurt of another, nor shall allow it to be done so far as he can hinder it, the laws and customs of the town of Lancaster being always saved. No one shall wrong another.

No one of the gild shall wrong the wife or daughter or sister of another, nor shall allow her to be wronged so far as he can hinder it. No wife, daughter, nor sister shall be wronged.

No one of the gild shall take into his house any one known to be an adulterer, nor shall himself live in adultery; and if it be shown that he has done either, and after two warnings he will not amend, he shall be altogether put out of the gild. No adulterer shall be harboured, or shall be let remain in the gild.

No one of the gild shall entice others to become adulterers, nor shall take up the unsafe calling of "Baudestrotes;" and if he does, and after two warnings he will not give it up, he shall be put out of the gild. No one playing the pander shall be let remain in the gild.

If any of the gild die within Lancaster, all the bretheren then in the town shall come to placebo and dirige, if summoned by the "Belman," or pay ij.*d.* All the gild shall come to burial services,

All shall go or send to the mass held for a dead brother or sister, and offer *ob.*, under the same penalty.

* CCCVIII. 84. Condition, bad. Latin.

and shall say prayers for the souls.

Every one of the bretheren shall say, for the soul of the dead, as quickly as he can, lx. Pater-nosters, with as many Hail-Marys. And the anniversary of every brother shall be duly kept.

Burials of those dying outside the town.

If any of the gild dies outside the town of Lancaster, within a space of xx. miles, xij. bretheren shall wend and seek the body, at the cost of the gild. And if the brother or sister so dying wished to be buried where he died, the said xij. shall see that he has fitting burial there, at the cost of the gild.

Lights at burial services.

Each brother and sister so dying shall have, at the mass on the day of burial, six torches and xviij. wax lights; and at other services, two torches and iiij. wax lights.

Quarterly meetings of the gild.

All the bretheren and unmarried sisteren of the gild shall meet four times a year, on four Sundays which are named. Each shall then pay xiij.*d.*, towards finding two chaplains to celebrate divine service in the town, for the welfare of the King and the Queen, and the Lord Duke of Lancaster, and the whole realm, and all the dead bretheren and sisteren of the gild. Whoever does not come to these meetings, and does not pay the money within three weeks afterwards, shall pay half a pound of wax, which shall be doubled if there be a further arrear of three weeks.

Twelve men shall be chosen, to manage the affairs of the gild.

It is ordained that xij. good and discreet men of the gild shall be chosen; who shall have the power of admitting fresh bretheren and sisteren; shall arrange with each of these what shall be paid on entry; shall deal with what other matters touch the good name, profit, and well-being of the gild; and shall appoint the places and times of meetings:—and these xij. shall be chosen afresh every year, if it be thought fit.

Collectors shall be chosen, who shall render an account to the twelve.

Collectors shall be chosen, to gather in all dues. They shall render an account to the aforesaid xij., or the greater part of them, so that the xij. may, every quarter, let the gild know how its affairs stand.

[No Return is found among these bundles from any other gild in Lancashire.]

VI.

CHESTERFIELD.

(*a*) Gild of the Blessed Mary.*

This gild was begun on the day of the circumcision of our Lord, A.D. 1218, to hold certain services, and the better to assure the liberties of the town. The gild was begun A.D. 1218.

First, all shall swear to uphold the due rights of the church.† The rights of the church shall be upheld.

Also, they shall swear to take care for the rights of the lord of the place. Also, those of the lord.

Also, they shall swear to guard all their liberties, within town and without town, and to give trusty help thereto whenever it may be needed. The liberties of the town shall be guarded and helped.

A chaplain shall celebrate services on days named, and shall be paid what the Alderman, Steward, and Dean think right.‡ A chaplain shall celebrate certain services.

Each brother shall bequeath, in his Will, towards masses for the souls of the bretheren, twelve pence out of every pound of his chattels; but he need not bequeath more than forty Bequests shall be made by the bretheren.

* CCCVIII. 90–95. Condition, very bad, and several pieces destroyed. Latin. It unfortunately happens that, in several instances, the places where words have become destroyed occur in ordinances that are of special interest.

† The cautious phrase of the original is, "omnia jura ecclesiastica ecclesiæ sue de jure debita." Indeed this body of ordinances is remarkable for the slightness and the coldness with which religious services, whenever named, are treated. Even in the services usual for the dead, much less care is shown than is usual. Very different from this is the warmth and the particularity with which the gild bretheren are required to stand fast in defence of the liberties of the town.

‡ The word "major" is written here, and in one or two other places in this Return, instead of "alderman." To avoid confusion, I put "alderman" throughout.

shillings in all. If he have less than twenty shillings, let him do as he likes with it.

Rites in honour of the dead.

On the death of any brother, xiij. wax lights shall be found by the gild, to set round his body, and shall be kept burning until he is buried; and each brother shall either pay a penny at the time of burial, or else make offering afterwards for the soul, as the Alderman thinks best.

Help shall be given in case of loss by fire, murrian, robbery, &c., if not caused by the folly of the loser.

If, in the haps of life, heavy loss befalls any brother, whether by fire, by murrain, by robbery, or by any other mishap,—so that such loss come not through his own lust, or gluttony, or dice-play, or other folly,—each brother shall give him, in relief of his loss, at the first, twopence; and again, if he needs it, twopence more; and yet a third time, if necessary, ij.*d.*

Help shall be given to those who are disabled or in want.

If any brother, through age, or loss of limb, or leprosy, comes to so great want that he cannot support himself, the bretheren who are able shall, in turn, supply him with needful food, or shall find for him a house of religion where he may stay during life.

Anniversaries of deaths shall be kept.

The deaths of past Aldermen, and of Hugh of the Peek [either founder or benefactor], shall be yearly kept by the bretheren, even to the end of time.

Whoever has wronged another, by deed or word, and will not make amends, shall be put out of the gild.

If any brother shall have wronged another in any way, by violence, either with malice aforethought or through ignorance, or by backbiting, or by foul words; or shall have sworn at his brother, or evil-spoken of him, or in any other manner wronged him; and if this shall be proved by two of the bretheren, and he is unwilling to make fitting amends for the wrong, on the friendly suggestion of his bretheren; then he who has been wronged may seek redress howsoever he likes; and the other, for his rash presumption, shall be put out of the gild, or punished in such other manner as the Alderman and his bretheren shall think well.

Every brother shall be helped in defending himself at law.

Every brother shall, in every strait and trouble, have the help of his bretheren towards defending himself, in due course of law, against any adversary whomsoever.

If any brother has undergone damage, or loss, or cost, for the

common welfare of the gild, or the liberties of the town, the bretheren are bound to make good to him all such damages, and shall, with others of the town, give him counsel and help.

Whoever has had loss or cost for the sake of the town, shall have it made good to him.

The Alderman, with the counsel and help of the bretheren, shall uphold and defend all the liberties belonging [*to the town**] against all disturbers or hinderers of those liberties; and xij. men, or as many as are wanted, must be chosen by him, or by the Steward of the gild when he himself has not leisure, and be sent before the justices, or elsewhere, upon the business of the town, whenever need shall be.

The liberties of the town shall be actively upheld, whenever there is need.

The Alderman shall look after the house as well as he is able; and the Dean shall take care [*that summonses are duly*] sent to the bretheren. The Dean shall also receive the fines, and hand them over to four scribes [?Stewards], who are bound to keep the goods of the gild, and to improve them as much as they can; and they may keep them for a whole year, if they well use them. Afterwards, the goods shall be entrusted to others, as the gild thinks fit. All who hold the goods, shall swear that they will duly restore them on a day named, and that they will use them for the profit of the gild.

The alderman shall control the gild-house; and the dean shall summon members, and collect moneys.

The goods of the gild shall be put into hands of different folks, to make increase, and duly to restore the whole.

Whoever makes known the affairs of the gild, and it is proved by two bretheren, shall be put out as perjured, and his example shall be held up to everlasting scorn.

Whoever discloses the affairs of the gild shall be put out of the gild.

All the bretheren shall meet twice a year, to look into and order the affairs of the gild, and to take an account of those who have in hand the goods of the gild.

Two meetings shall be had every year.

The Dean and the Steward shall find wax lights when necessary, taking four or three bretheren to advise with them; and shall, once or twice a year, give an account of their expenses over the lights.

Wax-lights shall be found, and there shall be an account of them kept.

Two bretheren shall be chosen to receive all rents and payments due to the gild, and to pay what is due from the gild. And the Alderman and the Dean and the Steward shall have a

Two accountants shall be chosen.

* This is one of the many words destroyed in the original. But there cannot, from the context, be any doubt that the word now destroyed was "ville."

A rent-roll shall be kept, showing charges and discharges.

roll, containing the names of those who pay yearly rents, and what and when each pays, and what has to be paid thereout to others.

Muniments of title shall be kept under seal.

Charters, muniments, &c., shall be kept under the seal of the Alderman and the Dean, and under the common seal of the gild.

The chaplain shall keep vestments, &c.

The chaplain shall keep vestments and books, giving an inventory of them.

Offerings shall be made in Pentecost week.

Each brother shall, on Friday in Pentecost week, give j.*d.* towards alms, and another for wax.

Payments on entry of new members.

Every incoming brother shall, on his entry, pay to the clerk j.*d.*, and to the door-keeper j.*d.*

Fine for not coming to meetings of the gild.

When any brother is summoned to come to any meeting touching the affairs of the gild, and he does not come, being in town and not sick, he shall pay j.*d.* to the light.

[A very long list of the possessions of the gild follows, which shows that it must have been a wealthy one.]

(*b*) Gild of the Smiths of Chesterfield.*

This gild long flourished; but it has lately joined the Gild of the Holy Cross of the Merchants.

The Return states, in an opening paragraph, that this gild had, from the time of its foundation (the date of which is not stated), existed separately up till Lady Day, 1387; but that the bretheren, having then found their funds too small to fulfil all claims, joined the Gild of the Holy Cross of the Merchants of Chesterfield. [It would seem that their own ordinances were, nevertheless, upheld; for these now follow:—†]

* CCCVIII. 111. Condition, very bad, and torn. This gild seems to have had no patron saint. Among the records of at least six hundred early English gilds that have come under my careful review, I have very rarely found this absence, save in some of the Gilds-Merchant. Even existing London City Companies have such patron saints. Perhaps some local circumstances made the priests unpopular in Chesterfield. Certain it is that, while the ordinances of the Chesterfield gild last given treat priestly services with a slightness and coldness that are very unusual, the present gild does not even so much as invoke the patronage of any saint. It is simply the Gild of the Smiths [*ffabrorum*].

† A fragmentary waif from the lamentable destruction which these invaluable Rolls have undergone, remains attached to this Return. It is all that remains of the Return made by another gild, which was sent up sewed

This is the agreement of the masters and bretheren of the Gild of Smiths of Chesterfield, worshipping before the greater cross in the nave of the church of All Saints there. The head men are, an Elder Father, Dean, Steward, and four burgesses, by whose oversight the gild is managed. Lights are to be found, and be burnt before the cross on days named.

The gild has an elder father, dean, steward, and four overseers.

If any brother is sick, and needs help, he shall have a halfpenny daily from the common fund of the gild, until he has got well. If any of them fall into poverty, they shall go, singly, on given days, to the houses of the bretheren, where each shall be courteously received, and there shall be given to him, as if he were the master of the house, whatever he wants of meat, drink, and clothing, and he shall have a halfpenny like those who are sick; and then he shall go home in the name of the Lord.*

Help shall be given to the sick,

and entertainment to the poor.

On the death of a brother, xij. lights shall be kept burning round the body, until buried, and offerings shall be made. Round the body of a stranger, or of the son of a brother, dying in the house of a brother, iiij. lights shall be kept burning.

Lights shall be set round the body of the dead.

If it befall that any of the bretheren, by some hapless chance, and not through his own folly, is cast into prison, all

Whoever is wrongfully imprisoned, shall be helped by the gild.

together with this. Not one line is complete, nor is one ordinance left. Only enough is left to let us know that it was the return made by the Gild of the Holy Cross of the Merchants of Chesterfield; and to tell us, with a strange mockery, that the gild of which this relic alone remains, was "imperpetuum duraturam;" and that the bretheren were bound, for ever, "conservare, manutenere, et sustentare," its statutes and ordinances.

* This curious ordinance is made somewhat obscure by the double mischance of part of the parchment being destroyed, and some of the words having become wholly illegible. There is no doubt, however, that what I have given is substantially the sense of it. A return from Dronfield, in the same county, much resembles the present Return on the point of this ordinance. In that case it is ordained that, if any one falls into want by mischance, not being his own fault, he shall have a halfpenny a day from the gild, "*or* he may take meals [comederet] with some brother or sister of the gild." In another case, of a gild at Grantham in Lincolnshire, it is ordained that, on the day of the gild-feast, each couple, "videlicet sponsus et sponsa," and each unmarried man, shall feed one poor person. It is added that, on the same day, there shall be given to the friars minors of the town who have gone in procession with them, fourteen loaves, eight gallons of ale, and half a kid or sheep.

his bretheren are bound to do what they can to get him freed, and to defend him.

The bretheren shall bequeath something to the gild.

If any sick brother makes a Will, having first bequeathed his soul to God, his body to burial, and the altar-gifts to the priests, he shall then not forget to bequeath something to the gild, according to his means.

Moneys borrowed must be paid on the day appointed.

When any one has borrowed any money from the gild, either to traffic with or for his own use, under promise to repay it on a given day, and he does not repay it, though three times warned, he shall be put under suspension, denunciation, and excommunication,—all contradiction, cavil, and appeal aside,—until he shall have wholly paid it. If he has been sick, the claim of the gild must be the first to be satisfied. And if he dies intestate, his goods shall be held bound to the gild, to pay what is owing to it, and shall not be touched or sequestrated until full payment has been made to the gild.

The goods of intestates shall be held liable for moneys due to the gild.

Rebellious bretheren shall be heavily punished.

Should it happen (which God forbid) that any brother is contumacious; or sets himself against the bretheren; or gainsays any of these ordinances; or, being summoned to a feast, will not come; or does not obey the Elder Father when he ought, nor show him due respect; or does not abide by what has been ordained by the Elder Father and greater part of the gild;—he shall pay a pound of wax and half a mark. Moreover, he shall be put under suspension, denunciation, and excommunication, without any contradiction, cavil, or appeal.

Debtors and wrong-doers shall keep altogether aloof from the gild.

Any one proved to be in debt, or a wrong-doer, shall be deemed excommunicate, and shall not presume to come to the meetings of the bretheren; and his company shall be shunned by all, so that no brother shall dare to talk with him, unless to chide him, until he has fully satisfied the Elder Father and the bretheren, as well touching any penalty as touching the debt or wrong-doing.

Oath made to keep these ordinances.

To keep and faithfully perform these constitutions, all the bretheren have bound themselves by touch of relics.

Lands and tenements of the gild.

[Copies follow of eight grants of land to the gild; the yearly value of each of which is stated. Then comes the following:—]

The clear sum of the whole	xxxij.*s.*	Yearly income therefrom.
Out of which [has to be paid], for chief rents, etc.	v.*s.* iiij.*d.*	Payments to be yearly made.
And for obits for the souls of several brothers, etc.	x.*s.* vj.*d.*	
And for xxviij. pounds of wax, for making and keeping up the wax lights, the price of the wax being vij.*d.* a pound	xvj.*s.* iiij.*d.*	
And for repair of houses, generally, by estimation	x.*s.*	
In all.....	xlij.*s.* ij.*d.**	

* The difference thus shown between income and outgoes might seem to have made the continuance of the gild impossible for any time. But it must be remembered that this income is what comes from real estate, and that it does not include the moneys coming in from any other sources, such as bequests, fines, &c. Still, this gild seems to have made no provision, such as was usually made by other gilds, for regular payments by members or new-comers, and so its annual income would not be large. Hence, no doubt, arose the necessity for it to join the Gild of the Merchants. See before, p. 168.

VII.

LINCOLN.

(*a*) Gild of St. Benedict.*

This gild was founded in honour of God Almighty, and of the blessed Virgin Mary, and of our Lord Jhesu Christ, in the parish of St. Benedict.†

A great wax light shall be found.

One great wax light shall be found, and lighted on the feast of the Purification, and at other special times.

As many poor shall be fed as there are members of the gild.

Every year, at the said feast of the Purification, they shall feed as many poor as there are bretheren and sisteren in the gild, with bread and ale and one dish of flesh or fish, at the cost of the gild.

Pilgrims to the Holy Land, to St. James's, or to Rome, shall be helped.

If any brother or sister wishes to go on pilgrimage to the Holy Land, every brother and sister shall give him one penny; if to St. James's or to Rome, each shall give a halfpenny, unless he likes to give more; and the pilgrim shall be accompanied outside the gates of the city. And when he returns, and has let his fellows know it, they shall go out and meet him, and go with him to the mother church.

Services on deaths within the city.

When any brother or sister dies within the city, the Graceman and Wardens shall go to the body, and the Dean shall bring four wax lights, which shall burn there until the service is done; and

* CCCVIII. 75. Condition, bad and torn. Latin.

† The form of what may be called the dedication of this gild differs, very strikingly, from that of most other gilds. In almost every other case, God the Father Almighty would seem to have been forgotten. No doubt what must strike every reader as so strange an oversight, was not intentionally so, but grew out of the habit and form of prayers of intercession.

on the morrow, when the body is buried, the Graceman shall offer a penny, and each Warden a halfpenny, of the goods of the gild. Besides this, every brother and sister shall give a halfpenny to buy bread, to be given to the poor for the soul of the dead, while the priest celebrates mass. Whoever fails in this offering, shall, next day, pay one penny, or a pound of wax at the next morn-speech.

Bread shall be given to the poor.

When any brother or sister dies outside the city, on pilgrimage or otherwise, and the death is made surely known to the bretheren, they shall do, for his soul's sake, the same as they would have done had he died in the city, and this in his own parish.

Services on deaths outside the city.

When any brother or sister falls into poverty, and seeks the help of the gild, there shall be advanced to him, out of the goods of the gild, in the first year, vj.*d.*; in the second year, vj.*d.*; and in the third year, if he is still in want, vj.*d.* If he becomes able to repay those xviij.*d.*, let him; if not, let him keep them as a free gift.*

Help shall be given to poor bretheren.

Every year, at the feast of the gild, they shall have, on each day of the feast, three flagons, with prayers, and six tankards: and the tankards, filled with ale, shall be given to the poor who most need it.†

At the feast, when the ale is poured out, prayers shall be said, and tankards of ale shall be given to the poor.

* I cannot but think that the copyist has made a mistake here. Compared with allowances in other cases, sixpence *a year* is simply absurd. It is often not very easy to know whether the letter is '*s*' or '*d*' after the figure, and I think that it was, in this case, originally written '*s*' (six *shillings*, not six *pence*), and that, in the overhaste of copying, the '*s*' was read, and so written down, as if it was '*d*.'

† There is much difficulty in knowing exactly what is meant by the different vessels named. What I here translate "tankards" is "ciphos" in the original. From the use of this word in many places, there is no doubt that it meant a great drinking vessel, and it is our guide to the meaning of the other words. In Madox's *Formulare Anglicanum* (p. 432, &c.), we find Ralph de Nevill, in 1424, bequeathing many costly drinking vessels. Among the rest are, "optimum ciphum meum auri;" "duas Ollas argenteas deauratas, et iiij. Ollas argenteas albas;" "j. Ewer argenteum;" "j. ollam potteller argenti;" and a great many other gold, silver, and silver-gilt vessels. In the ordinances of the Gild of St. Michael on the Hill (Lincoln) (after, p. 178), I find mention made of "four of the tankards (ciphos) which are called 'fullas.'" Are "olla" and "fulla" the same thing? I translate

Payments by new-comers.

Whoever wishes to enter the gild shall pay six shillings and eightpence; namely, three and fourpence on his admission, and at the next year's feast three and fourpence.

Mornspeeches shall be held;

and accounts shall then be given by all who have had any goods of the gild on loan.

Every year, on the Sunday next after the feast of St. Michael, the bretheren and sisteren shall hold a mornspeech in the church of St. Benedict; and every one who has any money of the gild in hand, shall then give half the increase that has been made out of that money. And on the Sunday next after the feast of Epiphany, they shall hold a mornspeech in the same church, to arrange about the feast that is to be held on the day of the Purification. At that feast, every one who has any money of the gild in hand, shall put it, and the other half of the increase thereof, upon the treasury in the room where the feast is held. And whoever fails to come to this mornspeech, having been summoned by the Dean, shall pay half a pound of wax.

Officers chosen, and not serving, shall pay a fine.

Whoever is chosen Graceman, and will not serve, shall pay two pounds of wax. Whoever is chosen Warden, and will not serve, shall pay one pound of wax. Whoever is chosen Dean, and will not serve, shall pay half a pound of wax.

Another mornspeech.

Every year, on the Sunday next after the feast, the bretheren and sisteren shall hold another mornspeech in the same church, to which all shall come who have any money of the gild; and those who have not paid in before, shall do so there; and then they shall take such order as to the money as may seem most for the good of the gild. On the morrow, a mass shall be said for the souls of the dead bretheren and sisteren, and the Graceman shall offer a penny, and each of the Wardens a halfpenny, out of the gild fund.

Penalty if one wrongs another.

Any brother or sister of the gild who wrongs another by

"fullas" by the word "flagons." Again, in the ordinances of a Grantham gild, I find "tres ciphos vocatos masers;" evidently costly things, for the price is put down as xl.*s.*, while "tria cornua de quibus predicti fratres et sorores, die convivii sui, bibere solent," are priced at xx.*s.*; and in another Grantham gild, "una *debilis* mazera" is put down as worth vij.*s.* A "maser" or "mazer" is supposed to be a cup of maple wood, richly mounted. See *Rotuli de Liberate*, Preface, p. x.; also the note on the word "Masere" in Mr. Way's edition of the *Promptorium*, p. 328.

word or deed, in sight of the Graceman, or out of his sight but in the house of feasting, while the feast lasts, shall pay two pounds of wax.

If any one is summoned by the Dean on the business of the gild, and does not come, he shall pay a pound of wax, unless he has a fair excuse.

Penalty for not coming to meetings.

(*b*) Gild of the Resurrection of our Lord.*

This gild was founded at Easter, A.D. 1374.

The gild was begun A.D. 1374.

Every brother and sister, at entrance, shall pay fourpence to the ale,† and one penny [*to the wax*]; and also, every year,

Payments on entrance.

* CCCX. 206. Condition, very bad indeed. Latin. The roll which contains this Return is, beyond comparison, the most interesting that is found in any of these bundles. It is a sheet of vellum, two feet five inches long, and eighteen and a quarter inches wide; the Return itself filling a space of two feet long by thirteen and a half inches wide, with three lines in supplement. It is impossible to look at it without the suggestion arising that it was not *written*, but *impressed with letter stamps*. I have compared it with the facsimile of the Codex Argenteus of the Gospels of Ulphilas, given in Dr. Bosworth's valuable edition of the Gothic and Anglo-Saxon, &c. Gospels. [The difference of date, both being earlier than the received date of printing, does not touch the matter.] The size of the letters is much the same; but this Return assuredly seems much more like an impressed, and not written, document, than does the Codex Argenteus. The objections named in Dr. Bosworth's preface (p. v.) are not, I think, sound. Different stamps, cut (not cast) for the same letter, would be certain to differ somewhat; while it is very well known that, long after printing became common, contractions were used in print. I have hundreds of proofs of this in my own library.

In this case, the impression of the letters is deep, insomuch that they can be felt, blindfold, with the finger. The ink has not, as in other cases, eaten away the vellum, and made it transparent; but, nevertheless, where all trace of ink is gone, the letters remain clear, because stamped in the vellum. It is curious that it was obviously intended to illuminate the first letter of every paragraph. A large space is left for that letter, in every case. But time pressed, and so the Return was sent up with the initial letter of every paragraph wanting.

† The words of the original are "ad ciphos." There cannot be a doubt that these words were here used, as "pocula" was much earlier, in the sense of the contents of the cups. The ordinances in Part I. often speak of payments to "the ale." I therefore translate "ad ciphos" by those words here and elsewhere, when used in this sense. See p. 173, note †.

thirteen pence, by four separate payments in the year. And whoever is in arrear shall pay a pound of wax.

Lights shall be kept burning from Good Friday till Easter Sunday.

Twenty round wax lights shall be kept burning round the body of our Lord lying in the sepulchre, from Easter eve till the time of resurrection on Easter Day, each wax light weighing a pound and a half.

A hearse-frame, with lights, angels, and banners, shall be put over the body of every dead brother;

When a brother or sister dies, a hearse shall be put about the body, with thirteen square wax lights burning in four stands, at placebo and dirige and mass; and there shall be four angels, and four banners of the Passion with a white border, and scutcheons of the same powdered with [? *gold*]. And

and other services be done.

offerings shall be made; and as many masses shall be said for the soul of the dead as there are bretheren and sisteren in the gild.*

Help to poor bretheren.

If any brother or sister comes to want, from whatsoever cause, so that it be not through his own fault, by wasting his goods in unlawful uses, every brother and sister shall, if help is sought from the gild, yearly pay twopence to whoever is thus impoverished.

Officers chosen, and not serving, shall pay a fine.

Every brother shall swear to keep all these ordinances. Whoever is chosen Graceman, and will not serve, shall pay half a stone of wax. Whoever is chosen Warden, and will not serve, shall pay two pounds of wax. Whoever is chosen Dean, and will not serve, shall pay one pound of wax.

Holders of loans must come up every year.

Whoever has in hand any goods of the gild, shall bring them before the Graceman and his fellows on Easter Tuesday, under penalty of a stone of wax.

Mass and offerings for the dead.

On the Wednesday in Easter week, there shall be a mass for those of the gild both living and dead; and offerings shall be made by the Graceman and Wardens.

While the bretheren and sisteren are sitting at table, the

* I cannot recall, in any of these ordinances, any description of the funeral rites of the members of a gild so full as this. As the "hearse" here named was a very different thing from what is now so called, I will refer the reader to the description of the hearse given by Canon Rock in "The Church of our Fathers," vol. ii. p. 495, &c. See also the note to the word "Heerce" in Mr. Way's edition of the *Promptorium*, p. 236.

ordinances shall be read over, so that they may be well understood, and that no one may, at any time, be able to say that he has broken, unwittingly, any of the articles which all have thus heard, and to which all have bound themselves. None shall be able to excuse themselves through ignorance of the ordinances.

After dinner, four candles shall be lighted, and grace shall be said, together with the antiphone *Regina celi letare*, and the Lord's Prayer; and the names of all the dead bretheren and sisteren shall be read over, and the *De Profundis* shall be said for their souls. Grace shall be said, and past members called to mind.

If any brother or sister wishes to make pilgrimage to Rome, St. James of Galacia*, or the Holy Land, he shall forewarn the gild; and all the bretheren and sisteren shall go with him to the city gate, and each shall give him a halfpenny at least. Pilgrims shall be helped.

If any one dies out of Lincoln, either on the sea or beyond sea, the same services shall be had, on the death being known, as if he had died in Lincoln. Deaths out of town.

If any brother or sister dies without leaving means of his own out of which to give him fit burial, he shall be buried, at the cost of the gild, in the same manner as any other of the gild would be. Burials of the poor bretheren.

No brother of the gild shall have the use of any goods or chattels of the gild, unless he finds a good surety, who will be answerable, in any event, for the goods. Surety for goods of the gild.

When any brother or sister dies in Lincoln, two torches shall be kept burning about the body until it has been carried into the church. The torches shall then be put out. Afterwards, the mass being ended, the torches shall be lighted again, and shall be kept burning till the body is buried. Torch-lights before burial.

If any brother or sister rebels against any of these articles, or will not be ruled by the Graceman and Wardens, he may be put out of the gild by the judgment of the bretheren. If he ought not, in their judgment, to be thus punished, he must be cleared in such manner as the Dean of Lincoln thinks fit. Punishment of those who rebel against the gild.

* So in original: but what is meant is Galicia in Spain, within which is the famous shrine of St. James of Compostella.

(c) Gild of St. Michael on the Hill.*

The gild was begun A.D. 1350.

The gild was founded on Easter-eve, A.D. 1350.†

On the death of a brother, "soul-candles" shall be burned, and the banner of the gild shall be taken to his house, and borne thence to church.

On the death of a brother or sister within the city, not only shall the Dean bring the four wax lights which are called "soul-candels," and fulfil all other usual ceremonies, but the banner of the gild shall be brought to the house of the dead, and there openly shown, that men may know that the dead was a brother or sister of the gild; and this banner shall be carried, with a great torch burning, from the house of the dead, before the body, to the church.

There shall be a gild-feast.

On the eve of the feast of Corpus Christi, and on the eve of the day following, all the bretheren and sisteren shall come together, as is the custom, to the gild feast.

At the end, the ordinances shall be read and expounded; and flagons of ale shall be given to the poor.

At the close of the feast, four wax lights having been kindled, and four of the tankards which are called flagons having been filled with ale, a clerk shall read and explain these ordinances, and afterwards the [ale in the] flagons shall be given to the poor.

Absentees may rejoin the gild on making payments.

If any brother or sister goes away from Lincoln for a year, not being on pilgrimage, and afterwards seeks to rejoin the gild, he must pay twelve pence: if away for two years, he must pay two shillings, unless he have grace.

The gild was founded by common and middling sort of folks; and such may join it.

Whoever seeks to be received into the gild, being of the same rank as the bretheren and sisteren who founded it, namely, of the rank of common and middling folks, shall be charged to be faithful to the gild, and shall bear his share of its burdens.‡

* CCCX. 271. Condition, bad. Latin.

† The ordinances of this gild are among the longest, if not actually the longest, that are found in the bundles of Returns made in 1389; and they are in many respects remarkable. As, however, there are several others from Lincoln, I hesitate to give the whole of these, though most interesting as a very complete body of ordinances. Space will only allow me to give a few of the more characteristic.

‡ The terms used in this and the next ordinance are so remarkable, that they must be given in the original Latin, lest I should be thought to be putting forth a democratic fiction. The words are:—"Quilibet affectans in dictam fraternitatem recipi, qui est ejusdem status fratrum et sororum qui dictam fraternitatem primo inchoaverunt, *videlicet, de statu communum et mediocrum virorum.*" In the ordinance next following, the

And whereas this gild was founded by folks of common and middling rank, it is ordained that no one of the rank of mayor or bailiff shall become a brother of the gild, unless he is found to be of humble, good, and honest conversation, and is admitted by the choice and common assent of the bretheren and sisteren of the gild. And none such shall meddle in any matter, unless specially summoned; nor shall such a one take on himself any office in the gild. He shall, on his admission, be sworn before the bretheren and sisteren, to maintain and to keep the ordinances of the gild. And no one shall have any claim to office in this gild on account of the honour and dignity of his personal rank.

The gild having been founded by common and middling sort of folks, would rather not have such grand folks as mayors and bailiffs among them. At any rate, the latter must not put themselves forward.

If any brother or sister of the gild has fallen into such an ill state that he is unable to earn his living, and has not the means of supporting himself, he shall have, day by day, a penny from the bretheren and sisteren of the gild, in the order in which their names stand on the register of their admission to the gild; each brother or sister giving the penny, in turn, out of his own means.

Help to poor bretheren shall be daily given, in turn, by the gild-bretheren.

(*d*) Gild of the Fullers of Lincoln.*

The gild was founded on the Sunday before the feast of the apostles Philip and James, A.D. 1297, by all the bretheren and sisteren of the fullers in Lincoln.

The gild was begun A.D. 1297.

A wax light shall be kept burning before the Holy Cross, on the days when they go in procession in honour of the holy cross.

A wax light shall be burnt.

words are:—"Quod cum fraternitas predicta fuit a principio ejusdem ordinata et incepta ex viris communibus et mediocribus,"—therefore they are jealous of receiving such great people as mayors and bailiffs.

* CCCX. 72. Condition, good. Latin. This Gild of the Fullers, and the two that follow, are given here as examples of gilds which were neither wholly social gilds nor wholly craft-gilds. They clearly did not consider themselves to come within the terms of the writ for Returns from craft-gilds (see before, p. 130). The ordinances are not indeed such as the true craft-gilds usually made. In each of the three cases, only two or three of the ordinances have anything to do with the members of the gild *as craftsmen*. But those two or three are found in each. These gilds are thus worth attention, as a sort of cross between the social gild and the craft-gild. Examples of the ordinances of true craft-gilds will be found under the heads of Worcester, Bristol, and Exeter: Reading must stand by itself.

How the trough and the bar are *not* to be used.

None of the craft shall work [i.e. full cloth by treading it with the feet] in the trough; and none shall work at the wooden bar with a woman, unless with the wife of a master or her handmaid.*

Half-holidays, &c. must be kept.

None of them shall work after dinner on Saturdays, nor on any days which they ought to keep as festivals according to the law of the church.

Outsiders may work in the trade on making a small payment.

If a stranger to the city comes in, he may, upon giving a penny to the wax, work among the bretheren and sisteren, and his name shall be written on their roll.

A payment shall be made before learning the trade.

If any one wishes to learn the craft, no one shall teach it to him until he has given twopence to the wax.

No thief shall stay in the gild.

If any of the brotherhood is justly charged with theft, to the value of a penny, he shall be put out of the company.

On death of any, bread shall be given to the poor.

When any of the bretheren or sisteren dies, the rest shall give a halfpenny each, to buy bread to be given to the poor, for the soul's sake of the dead.

Any one going to Rome shall be helped, if he start on a holiday.

If any brother or sister is going on a pilgrimage to S^ts. Peter and Paul, if it is a Sunday or other festival day, all the bretheren and sisteren shall go in company with him outside the city as far as the Queen's Cross, and each shall give him a halfpenny or more; and when he comes back, if, as before said, it is a Sunday or other festival day, and he has let them know of his coming, all the bretheren and sisteren shall meet at the same cross, and go with him to the monastery.

Penalty for not keeping the ordinances.

Any one not keeping any of these ordinances, shall pay half a pound of wax. [But see a later ordinance, on p. 182.]

* The original of this ordinance is, "Item providetur inter eos quod nullus eorum laboret *in* alveo. Et quod nullus ejusdem officii *ad* perticam cum muliere laboret, nisi cum uxore magistri vel ancilla sua commensali." The fuller's work seems at this time to have risen to beating the newly-made cloth, lying in a trough, with bars or poles [*pertica*]. Earlier than this, and even later in some places, the fulling was done by trampling the cloth with the feet. It was called "cloth-walking." A Worcester gild seems to have been hence called the Gild of "Weavers, *Walkers*, and Clothiers." The foregoing prohibition stops the workman from thus "cloth-walking" *in* the trough. But why is he not to work *at* the bar (to strike the cloth) in company with an ordinary woman, while he may do so with a master's wife or her handmaid?

If any one by mishap comes to want, and asks help from the gild, sixpence a year shall be advanced to him out of the goods of the gild, for three years. When he gets in better case, he shall, if he can, repay the money advanced to him; but if he cannot, then the debt shall be repaid to the gild out of what is collected [after his death] for his soul's sake, and what remains shall be faithfully applied for his soul's sake.*

Help shall be given to those in want.

But the money must be repaid, before death or after.

When any brother or sister dies, the Dean shall put four wax lights round the body; and the Graceman shall offer a penny for a mass, and the Warden a halfpenny, out of the goods of the gild.

Lights and offerings on death.

If any one is in arrear in the halfpence due for the soul, he shall pay half a pound of wax to the gild.

Penalty for arrears.

In witness whereof, and to have the greater proof thereof in time to come, the official seal of the Deanery of Christianity at Lincoln has, at the special request of the bretheren and sisteren of this gild, been put hereto. Given at Lincoln, on the Nones of September, A.D. 1337.†

Witness by the seal of the Deanery of Lincoln.

Farther, it is ordained that the Graceman and the two Wardens of the gild shall each of them have, at the feast of the gild, two gallons of ale, and the Dean one gallon.

New ordinances.

Allowances of ale to officers.

The Dean shall have, for collecting the soul-pennies from the bretheren, on the first day, ij.*d.* out of the goods of the gild; but not on any day afterwards.

Allowance for collecting moneys.

* I have already said that I consider the sixpence a year to be a copyist's mistake for six shillings (see before, p. 173). It is remarkable that, while this ordinance, and two others below, assume that soul-pence will be paid by the bretheren, there is not (as is usual) any ordinance directly requiring anything to be thus paid towards masses for the dead. Did the copyist accidentally pass it over? A former ordinance requires payments to be made towards buying bread for the poor; but these, however praiseworthy, were not offerings towards masses to be said for the soul.

† The gild was begun, as the first clause shows, in 1297. The foregoing ordinances give us, therefore, an example of the practice of reviewing the ordinances from time to time. What follows shows that this was done more than once in the case of the present gild. See instances of the same thing before, pp. 57, 139, 161; and after, in the cases of Stamford, Ludlow, Stratford-upon-Avon, Cambridge, &c.

Officers chosen, and not serving, shall be fined.

Whoever is chosen Graceman, and will not serve, shall pay iiij. pounds of wax; whoever is chosen Warden, and will not serve, shall pay two pounds of wax; and whoever is chosen Dean, and will not serve, shall pay one pound of wax.

New-comers shall pay a fee.

Every new brother shall pay to the Dean a penny.

Penalty for not keeping the ordinances.

Whoever fails in aught touching these ordinances, shall pay a pound of wax. [See the earlier ordinance, at foot of p. 180.]

(e) Gild of the Tailors of Lincoln.*

The gild was begun A.D. 1328.

The gild was founded A.D. 1328.

A procession shall be had every year.

All the bretheren and sisteren shall go in procession on the feast of Corpus Christi.

Payments on entrance.

No one shall enter the gild, as whole brother, until he has paid for his entry a quarter of barley, which must be paid between Michaelmas and Christmas. And if it is not then paid, he shall pay the price of the best malt, as sold in Lincoln market on Midsummer-day. And each shall pay xij.*d.* to the ale.†

Help to the poor.

If any one of the gild falls into poverty (which God forbid), and has not the means of support, he shall have, every week during his life, sevenpence out of the goods of the gild; out of which he must discharge such payments as become due to the gild.

Burials of the poor dying within the city.

If any one dies within the city, without leaving the means for burial, the gild shall find the means, according to the rank of him who is dead.

Pilgrimage to Jerusalem, St. James's, or Rome.

If any one wishes to make pilgrimage to the Holy Land of Jerusalem, each brother and sister shall give him a penny; and if to St. James's or Rome, a halfpenny; and they shall go with him outside the gates of the city of Lincoln; and, on his return, they shall meet him and go with him to his mother church.

Services for those dying outside the city.

If a brother or sister dies outside the city, on pilgrimage or elsewhere, and the bretheren are assured of his death, they shall do for his soul what would have been done if he had died in his own parish.

* CCCX. 170. Condition, fair. Latin.

† "Pro ciphis" in the original. See the note † to p. 175.

When one of the gild dies, he shall, according to his means, bequeath v.*s.* or xl.*d.*, or what he will, to the gild. Bequests shall be made by the bretheren.

Every brother and sister coming into the gild shall pay to the chaplain as the others do. Fee to the chaplain.

There shall be four mornspeeches held in every year, to take order for the welfare of the gild: and whoever heeds not his summons, shall pay two pounds of wax. There shall be four general meetings every year.

If any master [tailor] of the gild takes any one to live with him as an apprentice, in order to learn the work of the tailor's craft, the apprentice shall pay two shillings to the gild, or his master for him, or else the master shall lose his gildship. Payment shall be made to the gild when any master tailor takes an apprentice.

If any quarrel or strife arises between any bretheren or sisteren of the gild (which God forbid), the bretheren and sisteren shall, with the advice of the Graceman and Wardens, do their best to make peace between the parties, provided that the case is such as can be thus settled without a breach of the law. And whoever will not obey the judgment of the bretheren, shall lose his gildship, unless he thinks better of it within three days, and then he shall pay a stone of wax, unless he have grace. The gild shall arrange such quarrels as can be settled without legal proceedings. Whoever will not abide by the judgment of the gild shall be put out.

On feast days, the bretheren and sisteren shall have three flagons and six tankards, with prayers; and the ale in the flagons shall be given to the poor who most need it. After the feast, a mass shall be said and offerings made for the souls of those who are dead. On feast-days, ale shall be given to the poor.

Four wax lights shall be put round the body of any dead brother or sister, until burial, and the usual services and offerings shall follow. Burial rites.

If any master of the craft keeps any lad or sewer of another master for one day after he has well known that the lad wrongly left his master, and that they had not parted in a friendly and reasonable manner, he shall pay a stone of wax. If one master knowingly takes a sewer who has wrongly left another master, he shall be fined.

If any master of the craft employs any lad as a sewer, that sewer shall pay vj.*d.*, or his master for him. Payment shall be made for every sewer employed by a master.

Each brother and sister of the gild shall every year give j.*d.* for charity, when the Dean of the gild demands it; and it shall be given in the place where the giver thinks it is most needed, together with a pottle of ale from the ale store of the gild. A dole shall be given, yearly, by every brother and sister, for distribution in charity.

Fines for not serving offices.

Officers chosen, and not serving, shall pay fines.

Witness by the seal of the Deanery of Lincoln.

In witness whereof, and at the special request of the gild, the seal of the Deanery of Christianity at Lincoln is hereto put.

Written in great haste.

Written at Lincoln in very great haste.*

The end.

Here ends the roll of the Gild of the Tailors of Lincoln.

Goods of the gild.

The bretheren have no lands nor tenements, in mortmain or otherwise, nor any chattels of the gild except for fulfilling what has been set forth; nor do they hold any feasts, save those before named for cherishing love and charity among themselves.†

(*f*) Gild of the Tylers of Lincoln.‡

The gild was begun A.D. 1346.

The gild of the Tylers of Lincoln, commonly called "Poyntours,"§ was founded A.D. 1346.

Admission of newcomers; and payments to be made by them.

Every incomer shall make himself known to the Graceman, but must be admitted by the common consent of the gild, and be sworn to keep the ordinances. And each shall give a quarter of barley, and pay ij.*d.* to the ale, and j.*d.* to the Dean.

"Saulecandels."

Four "saulecandels" shall be found, and used in the burial services.

Feasts and prayers, and ale for the poor.

A feast shall be held on the festival of Corpus Christi; and, on each day of the feast, they shall have three flagons, and four or six tankards; and ale shall be given to the poor; and prayers shall be said over the flagons. ||

Help to pilgrims.

Pilgrims shall be helped.

* The original of this very curious photograph of a minute in January, 1389, is not in Latin, like the rest, but in the old French:—"*Escript a Nicol en tresgraunt hast.*"

† This paragraph is written in another hand.

‡ CCCX. 60. Condition, fair. Latin.

§ The phrase of the original is,—"tegulatores Lincolnie qui poyntours vulgariter nuncupantur." "To point" and "pointing" [e. g. a wall] are still used.

|| The original of this ordinance is worth recording:—"Item ordinatum est, quod omnes fratres et sorores simul potabunt in festo corporis christi; et quolibet die, dum bibunt, habebunt tres fullos, cum quatuor ciphis vel cum sex; et illa cerevisia dabitur pauperibus, intuitu caritatis, secundum dispositionem Gracemanni et Custodum dicte gilde; et habebunt tres orationes cum tribus fullis, unius presbiteri sive clerici."

Burials shall be provided for, by the Graceman, the two Wardens, and the Dean. Burials.

If any brother does anything underhanded and with ill-will, by which another will be wronged in working his craft, he shall pay to the gild a pound of wax, without any room for grace. One brother shall not unfairly meddle with the craft-work of another.

No tyler nor "poyntour" shall stay in the city, unless he enters the gild. All men of this craft in Lincoln, shall join this gild.

[There are many returns from other parts of Lincolnshire. The following will serve as a good example of those from places of lesser importance.]

(*g*) Gild of Kyllyngholm, Lincolnshire.*

An ordinance was made by the bretheren and sisteren of the gild, on the Monday next after the Purification, A.D. 1310, that if a brother or a sister dies, four bretheren shall offer a penny, and each sister shall give a halfpenny loaf. The gild was begun before A.D. 1310, when these ordinances were made. Offerings on death.

If a brother or a sister is unlucky enough to lose a beast worth half a mark, every brother and every sister shall give a halfpenny towards getting another beast. If one loses a beast, the others shall help him.

If the house of any brother or sister is burnt by mishap, every brother and every sister shall give a halfpenny towards a new house. If one's house is burnt, the others shall help him.

Moreover, if the house of any brother or sister is broken into by robbers, and goods carried off worth half a mark, every brother and every sister shall give a halfpenny to help him. If one is robbed, the others shall help him.

If any brother or any sister has a friend at his house, for love of whom he does not wish to go to the gild; and if there is no retail tavern in the soke where he dwells; he may send for a gallon of the best ale to the Bailiff of the gild; and the Bailiff shall give it to him. But if it is found by his bretheren that he had no guest, but stayed at home through idleness, he shall be in the "Gildwyt" of half a bushel of barley.† If one has a guest, and he cannot buy ale, he shall have a gallon of the gild's best brewing. But the gild will not allow any tricks.

* CCCX. 161. Condition, good. Old French.

† Among some curious ordinances of a Grimsby gild, quoted for other purposes in the Introduction, the open-handedness of the gild is shown in

Whoever is chosen Provost must serve, or must pay.

If any brother or any sister is chosen to be Provost for a year, by the four Provosts of the past year, and will not serve, he must be in the "Gildwyt" of half a bushel of barley, and be quit as soon as the others have been chosen.

an ordinance, declaring that any brother who has money of the gild in his hands may bring a guest to the gild-feasts, provided that the guest be a creditable person, and that he and his friend come in good time. If they are after "prime," they will get no ale. The old ordinances of the gild of Stratford-upon-Avon, which will be found on a later page, also show that, upon proper introduction, guests not belonging to the gild were made welcome at the gild-feasts.

VIII.

STAMFORD.

Gild of St. Katherine.*

Stamford. Constituciones Gilde Ste Katerine Ville Stamford, edite et stabilite in parochia Sti Pauli ibidem, anno Domini millesimo quatercentesimo nonagesimo quarto, et anno Regni Regis Henrici septimi post conquestum Anglie decimo.

These ordinances were established A.D. 1494.

Acta Gilde. Thies ben the ordinaunces, Actes, and Statutes, made, and of auncient tyme assigned and ordeyned, by the ffounders of the Gylde of the holye and blyssed Vyrgyne and martyr Seynt Katryn, in Stamford; nowe renewed, and affermed and confermed, by the assente and consente and agrement off all the Bredern off the same gilde, in the yere aboue wreten.

These ordinances, made in old time, were re-affirmed in the year above written.

De ffundacione. ffirst, in the name, honor, and glorye off the Blyssed Trynyte, and of the gloryouse Virgyn and moder oure Lady Seynt marye, and all the companye of heuen, and in espe-

The foundation of the gild, which is to abide for ever.

* I am indebted to the personal hand of the Librarian of Gonville and Caius College, Cambridge, for a copy of the very interesting ordinances here printed. There is every reason to believe that, among the MS. treasures in the Libraries of Oxford and Cambridge, there lie hidden many original ordinances of old gilds. What now follows, and some others which I have been enabled to give in later pages, will, I hope, arouse those who have the immediate opportunity, to make search for such interesting relics of the life of our forefathers.

ciall of the blessed corseynt and holy Virgyne and Martir Seynt Kateryn, in the Chapell ouer the parissh Churche dûrre of Seynt Poules in Stamford, it is sette, ffounded, ordeyned, and also stablysshed, a Gilde off the holye Virgyne and martyr Seynt Kateryn, which shall neuer ffrom that Chaple be alyened, ne done awaye frome thens in noo manner wise, but euer there to abyde, endure, and be mayntеyned withoute ende.

Services shall be attended by all the bretheren, on St. Katherine's eve, and on St. Katherine's day.

De annuo servicio. Item, it is ordeyned and assigned and also inacted, that the Alderman of the seid Gilde shalbe at Seynt Kateryn-is Chapell aforeseid, wt all his Bredern, on Seynt Katryn-is euen, at euensong; and on ye daie, at Mateyns, masse, and later euensonge, holye to-gedre. And noo man then be absent wt-oute a resonable and sufficiaunt excuse, vppon payne of euery Broder absente a *li.* of wax, to be paied to the Gilde. And that the Stuarde off the Gilde for the tyme beyng shall truly countrolle them yt ben absente; and, at the next tyme off assemble, to presente the names of theym and euery of theym so absente vppoun the same peyne.

All shall meet in the hall of the gild,

De admissione ffratrum et sororum. Item, it is ordeyned that when the said ffirst euensong is doone, the Alderman and his Bredern shall assemble in their Halle, and dryncke; and there haue a curteys Communycacion for the weele of the seid Gilde. And then shal be called forth all thoo that shal be admytted Bredern or Sustern off the Gilde; and the Alderman shall examyne theym in this wise:—"Sir, or Syre, be ye willyng to be Bredern among us in this Gilde, and will desire and axe it in the Worshippe off Allmyghty god, our blissed lady Seynt marye, and of the holye Virgyn and Martyr Seynt Kateryn, in whoos name this Gilde is ffounded, and in the wey of Charyte?" And by their owne Wille they shall answer, "ye," or "naye." Then the Alderman shall commaunde the Clerke to gyff this othe to them in fforme and manner folowyng:—

and the Alderman shall ask every new-comer as to his willingness.

New-comers shall

De ffidelitate facienda. "This here ye, Alderman:—I shall

trewe man be to god almighty, to oure lady Seynt mary, and to that holy Virgyn and martir Seynt Kateryn, in whos honoure and worshippe this Gilde is ffounded; and shal be obedyent to the Alderman of this Gilde, and to his successoures, and come to hym and to his Bredern whan I haue warnyng, and not absente my-selffe withoute cause resonable. I shalbe redy at scott and lotte, and all my dutiés truly pay and doo; the ordynauncis, constitucioun, and rules, w^t^ the Councell off the same Gilde, kepe, obeye, and performe, and to my power maynteyn, to my lyuys ende; so helpe me god and holydome, and by this boke:"— And then kys the Boke, and be louynglye receyued w^t^ all the Bredern; and then drynke aboute; and, affter that, departe for that nyghte.

take an oath of fealty to God, Saints Mary and Katherine, and the gild;

and sl all also swear to pay scot and bear lot; and to keep the ordinances of the gild.

Then they shall be lovingly received; drink a bout; and so go home.

De maneloquio. Item, it is ordeyned and stablyshed for euer, that euery yere, on Seynt Leonardes daye, or ells the Sonday next affter, the Aldermann and his Brederne shall assemble and mete in the Chapell of Seynt Katryn, at oone affter noone, and there haue their yerelye speche, and prouyde and ordeyn for the worshippe, profite, and all thynges necessarye at that tyme for the welfare off the same Gildye; at which tyme noo Broder shalbe absente w^t^oute a lawffull excuse, vppoun payn off j.*li.* off wax.

A meeting shall be held at 1 P.M. on St. Leonard's day, or the next Sunday, to deal with the affairs of the gild.

De generali convivio. Also it is ordeyned, that vpoun the Sonday next affter Seynt Kateryne-is day most commenly to be hadde, the seid Alderman and his Brederne and Susters shall come to their Gilde-Halle togedre, when the more Belle at Powles Chirch is knelled; and theyr dyne togedre, and take such as shall be there prouyded by the Stuarde off the Gilde ffor the tyme beyng. Att the which dyner, a man and his Wyff shall pay iiij.*d.*, and eny other single persone,—both preste, man, and woman,— shall paye ij.*d.* And what persone be absente ffrom the seyd dyner, w^t^oute a resonable excuse, shall paie a *li.* wax, and for his dyner besyde, yff he hadde lawffull warnyng to be ther.

There shall be a grand dinner in the gild-hall once a-year.

De compoto faciendo. Also it is ordeyned, that anone, affter

Anon, after dinner,

an account shall be given by every officer.

the dyner is doone, euery olde officer shall come ynne before the Alderman and the Clerke, and ther make a dewe accompte afore theym all presente, euery officer of such as perteyneth to his office; and noon officer absente hym-selff, vppoun payne off j.*li.* wax, to be paidd w^t^oute pardoun.

Any who are chosen to office, shall be fined if they do not serve.

De officio non relinquendo. Also it is ordeyned, that noo Broder of this Gilde shall refuse, at any tyme, any Office perteyning to the seid Gilde, whan he is chosene therto vppoun the ffest daye which is the eleccion daye, vppoun payn of j.*li.* wax.

Gildsmen must be of good repute, and must make due payments on entry.

De admissiône fratrum. Also it is ordeyned, that noo mann ne persoun shalbe admitted unto this Gilde but if a bee founde of goode name and fame, of good conuersacon, and honeste in his demeanor, and of goode rule; and shall paie for his entry into the Gilde vi.*s.* viij.*d.*, to be paidd in iiij. yere affter the ffirst yere, euery yere xx.*d.*; and every yere after the ffirst yere, to paye for the mayntenyng off the wax and lights, iiij.*d.* a mann and his Wyff, and every soole person, preeste and other, ij.*d.*

[In the margin is written, in a later hand, the word "Waxshote."]

Peals of bells shall be rung at and after the prayers for the souls of the dead; and the ringers shall have bread, cheese, and ale.

De generali obit. Also it is ordeyned, that the same daye whan the generall ffeste is holden, at affter noone, in the seid chirch off Seynt Poules, shalbe doone and said a placebo and dirige for all the sowles of the Bredern and Susters that ben paste in this Gilde; and ther to ryng iij. peeles; w^t^ masse of Requiem on the next morowe, w^t^ as many peeles. Att the which masse, the Alderman off the Gilde, or his depute, shall offre ij.*d.* And at the said dirige, the Stuarde off the Gilde shall see that they that seye the seid dirige shalhaue brede, chese, and dryncke; and the ryngers also: and he shall gyff the Clerke, for his rynging, ij.*d.*; and the Bellmann, for goyng aboute the toun, j.*d.*, and brede, chese, and dryncke.

Services and ringings on the death of gildsmen.

De speciali obit. Also it is ordeyned, that when any Broder or Suster of this Gilde is decessed oute off this worlde, then, withyn

the xxx. dayes of that Broder or Suster, in the Chirch of Seynt Poules, ye Steward of this Gilde shall doo Rynge for hym, and do to say a placebo and dirige, wt a masse on ye morowe of Requiem, as ye commoun use is. Att the which masse, the Alderman of ye Gilde, or his depute, shall offre ij.*d.* for the same soule; and to ye Clerke, for Rynging, ij.*d.*; and to the Belman, for goyng aboute ye Towr*, j.*d.* The seid dirige to be holden on ye ffryday and it may be, and the masse on the morowe. All this to be doon on ye Coste and charge of the seid Gylde. * (*sic.*)

Note.—This is one of the cases in which the internal evidence shows that the substance of the ordinances is older than the date given. At the outset they are spoken of as "ordinaunces, actes, and statutes, made, and of ancient tyme assigned and ordeyned, by the ffounders of the gylde,"—and as being "nowe renewed and affermed." The original ordinances were probably in Latin; and I have no doubt that what we here have, are the early translation of a lost original, with some later additions and alterations.

Two things are of special interest in these ordinances. One of these is the speech of the Alderman to new-comers, with the oath of fealty that follows. The latter carries the student of English history back to the twelfth century. It belongs to the time, often so much distorted in what passes by the much abused name of "History," when men entered into mutual bonds together, neither of them thinking of sacrificing his own independence, but each aware that the bond was one for mutual help. The spirit of this will best be shown by quoting the words of the elder Glanville; who, writing in the time of Henry II., says:—"*Mutua* quidem debet esse dominii et homagii fidelitatis connexio; ita quod, quantum homo debet domino ex homagio, tantum illi debet dominus ex dominio, præter solam reverentiam."*

The other thing which is of special, if indeed it is not of unique, interest in these ordinances, is contained in the last two of them; both of which order ringing, and the former of them the ringing of "peeles," in memory of the dead. This does not mean, in either case, what is

* Glanville, De Legibus, lib. ix, cap. 4. Odd mistakes have been made, through some, even well informed, writers not being aware that there were two Glanvilles, both lawyers, and both of high authority. The elder was Chief Justiciary in the time of Henry the Second. The later prepared some most valuable and interesting Reports of Cases examined and adjudged on by the "Committee of Privileges and Elections" (H. of C.), of which he was Chairman, in 21 and 22 James I., as to the Common Law rights of Parliamentary franchise, &c. This work ought to be better known than it is.

known as the "Passing Bell." I have not met with any such order or custom in the ordinances of any other gild of so early a date. After the Reformation, peals of bells sometimes took the place of the obits and other services by which bretheren and benefactors were, in the older time, kept before the gild in hallowed memory. Illustrations of commemoration by the ringing of "peals," will be found on a later page, in the ordinances of the gild of Ringers of Bristol.*

The former of the two parts of these ordinances thus specially named, I believe to be of very much older date than the A.D. 1494 of the preamble; while the clauses as to the "peeles," "the ringers," and "doo rynge for hym," seem to have been added not far from when, perhaps when, these ordinances, "of auntient tyme assigned and ordeyned," were "renewed and affermed" in that year. Attention has been several times called to a state of things nearly like that here found, in ordinances recorded as in use by a gild at a given time. For the study of the ordinances of the old gilds to be historically true, and really instructive, the fact must never be lost sight of, that all parts of them were not necessarily, and often can be shown not to have been, made at the same time, still less at the date found recorded on the MS. itself. But they must have been of that date, *or earlier*.

Bull-running in Stamford.

[Among the Returns made from gilds in 1389, there are four from Stamford. But the ordinances contained in all these are short, and of very much less interest than those of the Gild of St. Katherine. A part of one of them is, however, worth putting on record. In the Return made by the Gild of St. Martin, it is stated that, on the feast of St. Martin (11th November), this gild, by custom beyond reach of memory, has a bull; which bull is hunted [not *baited*] by dogs, and then sold; whereupon the bretheren and sisteren sit down to feast. Some light is thrown on this strange custom by what is said in Strutt's "Sports and Pastimes" (Book III. ch. 7, § xvii.), as to "Bull-running at Stamford." This gild is not there named; but the day, and the description of the bull-running, seem to show that what was kept up in 1646 was the relic of what was stated, in 1389, to have been the custom of this gild from time beyond reach of memory.]

The Gild of St Martin has every year a bull; hunts it; sells it; and then feasts.

The old custom of the gild was kept up in the seventeenth century.

* In the *Promptorium Parvulorum*, we find "A-pele of belle ryngynge (a pele of bellis)." See Mr. Way's edition, p. 13.

IX.

LUDLOW.

Gild of the Palmers.*

The names are given of twenty-seven men, described as Burgesses of Ludlow, who appear to have founded and endowed this gild. It is then stated that a number of men and women, who seem to have since joined the gild, met in the church of St. Lawrence, on the morrow of Pentecost, A.D. 1284, and agreed that the gild should be called the "Gild of the Palmers." It was also then ordered that three chaplains should celebrate three services; one for the living, another for the dead, and the third in honour of the Holy Cross. It was afterwards (as a distinct thing) agreed that the following should be the ordinances of the gild:—†

The founders, and others of the gild, held a meeting, in A.D. 1284.

They agreed on a name; provided for services; and made these ordinances.

When it happens that any of the bretheren or sisteren of the gild shall have been brought to such want, through theft, fire, shipwreck, fall of a house, or any other mishap, that they have not enough to live on; then once, twice, and thrice, but not a fourth time, as much help shall be given to them, out of the goods of the gild, as the Rector and Stewards, having regard to the deserts of each, and to the means of the gild, shall order; so that whoever bears the name of this gild, shall be up-raised again, through the ordinances, goods, and help of his bretheren.

Help shall be given in case of theft, fire, shipwreck, &c.

To be one of this gild, shall be an assurance of help in trouble.

If it befall that any brother or sister be cast into prison within the kingdom of England, or that a man or his goods be in any

If man or goods are wrongfully taken, no pains

* CCCVIII. 136, 137. Condition, very bad. Latin.

† See the note to the last clause of this Return.

shall be spared to free both;

way unrightly seized (which God forbid), our Rector and Stewards shall, without delay, use every means in their power to get him and his goods freed. This they shall do at his own cost,

and at the cost of the gild, if necessary.

if he can bear the charge; but, if he has not enough, the common fund of the gild shall be taken in aid, so as to enable them faithfully and happily to do what ought to be done under this ordinance.

In case of sickness, help shall be given till well again.

If any of our poorer bretheren or sisteren fall into grievous sickness, they shall be helped, both as to their bodily needs and other wants, out of the common fund of the gild, until their health is renewed as it was before.

In case of incurable disorder, help shall be given with an open hand.

But if any one becomes a leper, or blind, or maimed in limb, or smitten with any other incurable disorder (which God forbid), we wish that the goods of the gild shall be largely bestowed on him.

Dowries shall be given to girls about either to marry or to go into a religious house.

If any good girl of the gild, of marriageable age, cannot have the means found by her father, either to go into a religious house or to marry, whichever she wishes to do; friendly and right help shall be given her, out of our means and our common chest, towards enabling her to do whichever of the two she wishes.

Services for the dead shall be attended.

Services for the dead shall be duly attended by all the bretheren and sisteren.

No ghosts nor sprites allowed to be called up a-nights in Ludlow.

If any man wishes, as is common, to keep night-watches with the dead, this will be allowed, on the condition that he neither calls up ghosts, nor makes any mockeries of the body or its good name, nor does any other scandal of the kind; lest, by such scandals, the discipline of the church may be brought into contempt, and the great judge may be provoked to heavier vengeance, who ought rather, by reason of the sins of the people, to be asked for love and mercy. And never shall any woman, unless of the household of the dead, keep such a night-watch.*

Such things are a scandal to the Church.

Women shall not keep night-watches.

* The beginning of this ordinance will hardly be thought true unless the original is given. This is as follows:—"Si vero masculus quisquam voluerit, ut est moris, ejusdem defuncti vel defuncte nocturnis vigiliis interesse, hoc fieri permittatur, *dumtamen* nec monstra larvarum inducere, nec corporis vel fame sue ludibria, nec ludos alios inhonestos, presumat aliqualiter attemptare." These remarkable words imply two things; *first*, that ghosts and other sprites can be called up after death;

Five or seven men of the gild shall, every year, choose a Rector and Stewards of the gild, who shall manage its affairs.

The rector and stewards of the gild shall be chosen by picked men.

The common seal of the gild is put to these ordinances.

The common seal of the gild.

Which ordinances, and also divers rents in Ludlow, granted before the passing of the statute as to not putting lands or tenements into mortmain,* the Lord Edward, lately king of England, grandfather of the now king, confirmed by his letters patent.

Endowments made before A.D. 1279, confirmed.

Then follow copies of (1) Letters Patent, dated at Kenylworth, November 17, 3 E. III., confirming all that the gild has done, and speaking of it as a gild of old time, and recognizing its common seal; (2) Letters Patent, dated at Kenylworth, November 18, 3 E. III., giving license in mortmain for lands to the amount of £20 a year; (3) Letters Patent, dated at Westminster, June 20, 18 E. III., giving a further license in mortmain; (4) Letters

Letters Patent, copies of which are given on the return.

second, that this may be hindered by the strength of human law,—which this gild-ordinance, in so far, of course has. Those familiar with our Old Northern literature, will be well aware how often the forms of the dead were believed to be seen on earth again. And there is an instance, in the old Sagas, where not only did shade after shade revisit the pale glimpses of the moon, to the long and fearful disquiet of a neighbourhood, but where their often-comings could only be stopped by formal process at law; by the use of which they were, however, at last driven away. The strange tale of what once befel at Froda in Iceland, will be found in the *Eyrbyggia-Saga*, cap. 53-56 (ed. Havnia, 1787, pp. 270–280). [Sir Walter Scott gave an abstract of this Saga at the end of Weber and Jamieson's *Illustrations of Northern Antiquities* (1814).] The date of that Saga is not more than about twenty years (1264) earlier than that of this Ordinance (1284). Far apart as are Iceland and Ludlow, I know of nothing so closely illustrative of the above ordinance as is the strange tale thus told in the *Eyrbyggia-Saga*.

* This statute was the "Statute of Mortmain," passed 7 Edward I., A.D. 1279. The foregoing ordinances were made in 1284. It follows, that the foundation and endowment of the gild were some years older; and that these ordinances, though themselves of such high antiquity, were a revisal of still earlier ordinances. The Letters Patent of 3 Edward III. show that this was so, for they speak of the gild as existing "ab antiquo." The opening clause of this Return itself shows that the gild was one that had then already much increased; for, after naming the founders, it is added:—"Vocatis, ad hoc, viris et mulieribus qui *de jure* fuerant evocandi." The gild probably was only called by a saint's name before 1284, as the order was then made that it should be called the "Gild of the Palmers."

Patent, dated at Westminster, April 20, 31 E. III., giving a further license in mortmain; and (5) Letters Patent, dated at Westminster, February 6, 1 R. II., reciting the *first* of the Letters Patent here named, and confirming them.

[The foregoing ordinances were put into this shape more than two hundred and fifty years before the time of the iniquitous plunder of English gilds in the reign of Edward VI.; and it has been already seen that the gilds often made, from time to time, additions to their ordinances, so as to enlarge their own usefulness. It will therefore be interesting to add here the statement made, as to this old Gild of the Palmers of Ludlow, by the Commissioners who were appointed A.D. 1546, to report upon the gilds and other then existing bodies whose property was about to be given up to plunder, in order to satisfy the rapacious cravings of hungry Court parasites.* All these reports were of course made as unfavourable as possible to the gilds, so as to gloss over, as well as could be done, the iniquity of the whole affair; but it will be seen that this Gild of the Palmers had, among other things, established a school, with (for that time) a well-salaried schoolmaster. I give the full title of the report, as it helps not only to explain the matters reported on as to this gild, but to illustrate the disgraceful history of the statutory plunder and death of English gilds:—]

REPORT OF THE COMMISSIONERS OF 37 HENRY VIII. AS TO THE GILD OF THE PALMERS OF LUDLOW.†

The Countes of Salop, wyth the Towne of Salop, [and] Staff [ord].

Things to be reported upon.

Herafter ensueth a brefe Certificat or Declaracon of all such and so many Chauntreys, Hospitalles, Colledges, ffrechapelles, ffraternyties, Brotherhedes, Guyldes, and Stypendary preestes, havyng perpetuytie for euer, as ben wythin the sayd Counties of Salop and Staff. and the Towne of Salop; and to what intentes, purposes, and deades of Charite the same were ffounded, ordeyned, and made. And how the Revenuez and proffuytes of the posses-

* The particulars of this iniquitous affair will be found stated in the Introduction.

† Certificates of Colleges, Salop and Stafford; No. 40. (In the Public Record Office.)

sionēs of the same ben vsed, expendyd, and imployd; and whych of them ben parysh Churches, or how nyght[1] set to the parysh Church w^th^in whych parysh they ben set; wyth a bref Reaport of the value of all the landes and possessiones now belongyng, or that dyd belong, to the same, any tyme sythence the iiij^th^ daye of februare in the xxxvij^th^ yere of the kinges most noble Regne; wyth the yerely Resolutes and deduccions goyng out of the same. And how many such the sayd promocions have ben dyssolued, purchaced, or by any other meane opteynyd, by any person or persones, the kinges Maiestie subiectes, of y^er^ owne auctoritie, wythout hys highnes special lycence; wyth the yercly value therof, and the Resolutes and deducions goyng owt of the same. And what goodes, catalles, Jewels, plate, ornamentes, or other stuff, do merely belong or apperteyne to all the sayd promocions. Whych certyfycat or declaracon is made by ye Reuerend ffather in god Richard Bysshop of Coventrey and Lych., Sr Phylyp Draycot knyght, Edward Lyttleton Squyer, Anthony Borchier gent., and Wyll^a^m Sheldon gent., theyrunto amongest other thynges appoynted by the kinges Maiesties Comyssyon, vnder hys Highnes gret Seale of Inglond, to them or thre of them dyrected, datyd at Westm^r^, the xiiij^th^ daye of ffebruary in the xxxvij^th^ yere of hys most noble Regn; as by diuerse bookes and Quayres towchyng the premysses whervpon thys bref Declaracon is made and compiled, more playnely and at large is conteyned. And as hereafter brefly foloweth :—

[1] (*sic.*)

Names of the Commissioners.

That is to saye :—

[Among others]

THE TOWNE OF LUDLOW.

The Palmeres Guyld w^th^in the paryshe Churche of Saynt Laurence.

ffounded by the most valiant and victorius kinge, of ffamus memorie, kinge Edward, graundfather to Richard the second,*

Alleged foundation of the gild.

* This is a mistake. The gild was founded, as has been shown above, at least as early as the time of Edward I. And it was not founded by any king, but by the independent self-help of the good folks of Ludlow. These *Certificates* are valuable as recording the evidence of hostile witnesses as to the condition of the gilds at the time they were made; but they are utterly worthless for any historical statements which they contain as to the

and afterward aftemented* by Richard the second, and also by now o^r most soueraynt lorde king Henry the viij^th, to and for the findynde of a warden, vij. preestes, iiij^or singyng men, twoo Deacones, syx Queristeres, to sing diuine service wth in the paryshe Church of saynt Laurence. And also for the meyntenaunce of a Scolemaster of Gramer, and xxxij. pore Almes people.

Established officers of the gild.

How the income of the gild is spent.

The Revenues ben yerly imployed for:—

The Salaries, Stipendes, or ffees of the predicted persons, wth other Officers, accordyng to ther seuerall assingmentes; viz., to the sayd vij. preestes, xxxviij.*li.* xiij.*s.* iiij.*d.*; twoo singing men, parcelle of iiij^or, after the ffundacion, vj.*li.* xiij.*s.* iiij.*d.*; twoo Deacones, xl.*s.* viij.*d.*; vj. queresteres, xxxiiij.*s.*; the scolemaster of gramer, x.*li.*; The pore Almes people, xxvij.*s.*; to one wch ringith the Almes bell, ij.*s.*; the porter of the sayd Guild, xliiij.*s.* iiij.*d.* In all, by yere,..... lxij.*li.* xiiij.*s.* viij.*d.*

Diuerse Obbettes, xiiij.*li.* v.*s.* vj.*d.*; haloyd bred, xij.*s.* iij.*d.*; diuerse lightes, xxviij.*s.*; money geven to pore people, viij.*s.* ij.*d.*; The Reward to the warden, ouerseer of ye workes and reparacions, xlvj.*s.* viij.*d.*; The Collecto^r of the possessiones, c.*s.* In all, by yere,..... xxiiij.*li.* vij.*d.* } cxxij.*li.* vij.*s.* xj.*d. ob.*

Rentes Resolutes,..... ix.*li.* xj.*s.* v.*d. ob.*

Decayes, and defautes of Rentes, ... } .. xix.*li.* xix.*s.* iij.*d. ob.*

Whatsoeuer remayneth, to be bestowed in Reparacions and other expences and charges, at the discrescon of the warden for the tyme being, ... } .... vj.*li.* xxiij.*d. ob.*

But ye Reparacions (the revenues of the premisses lieng for ye gretest part in howses) do yerly mych exced this sume, as they afferm.

foundation of any gild. These are generally wrong. This will be strikingly seen in the case of the Gild of the Holy Cross of Birmingham.

* So in the original; but clearly a mistake for "augmented."

The sayd Guyld is wythin the parysh church of saynt Laurence, wthin wch paryshe ben M.D.CCC housling peple, or theraboutes: but ye Ministers of the Guyld be not chardgeable towardes the Cure. 1800 people in this parish partake of the Lord's Supper.

The possessiones of the Guyld, wyth the decayes, ben yerly valued at ..... cxxij.*li.* vij.*s.* xj.*d.* *ob.* The income of the gild, and the charges thereon;

Wherof in:—

The ffee of a Collector ..... c.*s.*
Rentes Resolutes, by yere, ... ix.*li.* xj.*s.* v.*d.* *ob.*
Decayes and defautes of Rentes xix.*li.* xix.*s.* iij.*d.* *ob.*
} xxxiiij.*li.* x.*s.* ix.*d.*

And so Rem., by yere, ... xx iiij.vij.*li.** xvij.*s.* ij.*d.* *ob.*

And the Mansion howse, wherin the said Ministers do dwell, wth the Almeshouse wch the foresayd pore people doo inhabit, wth the appurtenaunces, is worth by yere, to be letten, xx.*s.*,—before not valued. besides the Mansion-house and Alms-houses.

Plate
- Gylt, ... xx iiij.xiij.*oz.* iij.*qrs.*
- Parcel-gylt, ... lvj.*oz.* j. *qr.* *di.*
- Whyte, ... xxxij.*oz.*

} xx c.iiij.ij.*oz.* *di.* *qr.* Plate belonging to the gild.

Certen other plate, being set and fastened to tre, glas, and stone, and other goodes or ornamentes, wth diuerse vtensylles, appere in an Inventory redy to be shewed,—not valued.†

* This figure, and those in same style which follow it, are here printed as they are written. The "xx" above the first Roman figures means a *score*. Thus we get four score and seven, = 87; four score and thirteen, = 93; one hundred, four score, and two, = 182.

† I have printed this report as above for the sake of clearness. In the original, while every word and figure will be found as here given, it is written in the bracketted manner which long remained in fashion; and of which I can cite no better example than the "Synopses" that are found in the original edition of Burton's "Anatomy of Melancholy."

X.

WORCESTER.

(*a*) Gild of St. Nicholas.

[While both the Writs sent out to the Sheriff of Worcestershire still remain in the Public Record Office, as they were sent up to the Chancery by Sheriff Barewelle in the first days of A.D. 1389,* not one of the Returns which must have been sent up from Worcestershire, within a few days afterwards, is to be found in any of the bundles of those Returns that now remain. And it is a remarkable illustration of the success which (notwithstanding several phrases of moralists) high-handed and unscrupulous force so often has in killing out even the traditions of freedom and free institutions, that the historian of the city of Worcester does not seem to have been so much as aware of the existence, in that ancient and famous city, of any old gild whatever.† That such gilds existed there, as elsewhere, cannot be doubted: and a few years ago the original matrix of a seal was found, which throws some light upon the subject.‡

* See before, pp. 131, 132.

† In Green's History of Worcester, a list is given of certain "Mysteries, Crafts, Trades, and Companies, incorporated at Worcester;" but all of them are modern, as compared with the sense in which the early English gilds are treated of in this book. It is, however, certain that there were several old craft-gilds in that city. See article xxij. of the Ordinances of Worcester, in Part III. of this volume.

‡ I am indebted to the Town Clerk of Worcester for an impression taken from this seal. To the same gentleman, and to the Corporation of Worcester through his courteous means, I am indebted for being able to give, in this volume, not only the particulars of the Carpenters' Gild which presently follows, but the highly interesting "Ordinances of Worcester" which will be found in Part III. of this volume, and the account of other documents there also given.

Though found far away from Worcester, in the distant shire of Hertford, it was found in so fine a state of preservation that no doubt can exist as to its true home. In shape it is oval, pointed at the two ends of the longest diameter. It bears, as its main charge, the figure of what must be taken to be St. Nicholas, bearing a pastoral staff, under a canopy of Gothic architecture. Below is a kneeling figure. Around the seal is the following legend :—

Sigillū : coe' : fci' : nichi : Wigorn'

that is, "The seal of the Gild of Saint Nicholas, Worcester."* In the absence of any return from such a gild among what were sent up in A.D. 1389, and in the absence of any mention of such a gild by the historian of Worcester, I have searched the original records of the reports made, in the times of Henry VIII. and Edward VI., by the King's Commissioners; and the interesting facts contained in the two separate extracts that follow, are the result. These reports show that this Gild of St. Nicholas† was an important one, though all trace or tradition of it has now died out :—]

* A wood-cut of this seal will be found on p. 207. It is curious that, while there is the proper contraction mark over the "u" in "sigillum," there is no contraction mark where it ought to be in any of the other words: only a general one at the end of the second, third, and fifth. The second word, which is the contracted form for "comune," must be read here as a noun, and not as an adjective. In the Latin ordinances, the word "comuna" is often used for "gild."

† When a gild was either the single one, or the most important, in a place or parish, it was usually called by the name of that place or parish, although, as in this case, it had a special dedication or patron saint. Several examples of this will be found in both the first and second parts of this volume. See, for instance, pp. 114, 119, 172, 185, &c. &c. Though there were several gilds in Cambridge, the one first given in these pages bears the title, indorsed on the original Return, of "Gild of Cambridge." See also the cases of Stratford-upon-Avon and Birmingham.

(1) Report of the Commissioners of 37 Henry VIII., as to the Gild of St. Nicholas.*

The County of Worcester.

Things to be reported upon.

A breif declaracoun of alle and singler the late Colleages, Chaunteries, ffree chappelles, ffraternities, brotherhoodes, and Guyldes, with other lyke promocouns within the said Countie, gyven to the kynges Maiestie by Acte of parleament lately in that behalf prouided; with ye Namys of the Incumbentes, Maisters, Gouernors, and other Mynysters, with there yerely stypendes or wagys, the Tenth deducted: with alle Scoolemasters, Prechers, and bedmen, havying any yerely relyef out of the premisses, as hereafter doth ensue.

viz.:—

[Among others]

The Cytie of Worcester.

The Parishe of saynt Nicholas.

The Guyld of the holy Trynyte within the said parishe and Cytie.

Property of the gild;

Memorand: there is a house called the Trynitie halle, with certen landes and tenementes belongyng to the said Guylde, to the clere yerely value of xiij.*li.* xvij.*s.* x.*d.*; whych hath byn always employed, as hit was presented before the kynges Maiestyes Commyssioners there, to the mayntenaunce of one scolemaster ther, to teche freely gramer, vj.*li.* xiij.*s.* iiij.*d.*; And to diuers pore people, inhabyting in xxiiij. cotages or Alms houses adioynyng to the Trynite hall there, cvij.*s.* iiij.*d.* as aforesaid. And so remaiyneth of the said some but xxxvij.*s.* ij.*d.*; wch some, the presenters did afferme to be not sufficient for the yerely repayryng of the said halle, cotages, and Almeshouses.

and how the income is spent.

Salary of the schoolmaster.

Memorand, that John Olyver, Clerke, is now scolemaster there, and hath yerely tenn markes for his wagis.

* Certificates of Colleges, Worcester, No. 61. (In the Public Record Office.)

[At the side of the foregoing is written, in the original, but in a different hand, the following note:—]

Continuatur quousque the pore: for the Schole may cease, for ther is one other in the towne, of the kinges fundacoun; and this is no Schole of any purpos, as it is credebly saide.* Continue doles to the poor; but shut up the school.

(2) Report of the Commissioners of 2 Edward VI., as to the Gild of St. Nicholas.†

The Countie of Worcettour.

The Certyfycath of the Suruey of alle the late Collagys, Chauntryes, ffree chappelles, ffraternityes, brotherdes, and Guyldes, with the valewe of all the landes and tenementes belongyng to the same; and also of alle the landes gyven for the fynding of any stipendary priste, or for the mayntenaunce of any Obyttes, lyghtes, and Lampes, Now in ye kinges Maiesties handes by the late acte of parliament; with the names of the townes and parishes, Maisters, gouernours, Incumbentes, and such other persons, whose lyuynges the kynges Maiestie is entutled vnto by ye said late acte bering date the xiiijth daye of ffebruary Anno Regni nuper Regis henrici octaui xxxvij^{o}; with the yerely deduccouns gyven out of any the premisses for the mayntennce[1] of any scole, or Relyf of the pore, within the said Things to be reported upon.

1 (*sic.*)

* This was thus put in order to gloss over the intended seizure of the property of this gild. The school founded by Henry VIII. out of some fragments of the previous ecclesiastical plunder, was one for *forty* scholars only (see Green's Worcester, vol. ii. p. 81). But the school of the Gild of St. Nicholas taught *more than a hundred* scholars, as will be seen by the record next quoted. And the fact that, so many years after the foundation of Henry VIII.s' school, the gild school was so largely attended, is the best proof how untrue was the statement that the latter was "no schole of any purpos." But the teaching of the youth of Worcester was of course a matter of too small importance to be allowed to interfere with the designs of those needy men who were bent on seizing the property of the gilds to their own uses. And, though delayed for a short time, the plunder of this gild seems to have been entire. So far as I can learn, not a trace or tradition of this great scheol of the Gild of St. Nicholas has remained.

† Certificates of Colleges, Worcester, No. 60. (In the Public Record Office.)

shere; by vertue of the kynges highnes Comyssion, beryng date the xiiij daye of ffebruary, in ye seconde yere of ye reigne of or moste dreade soueraigne lorde Edwarde the sixth, by the grace of god of Englande, ffrance, and Irelonde kyng, defendor of the fayth, and in earth of the churche of Englande and Irelonde supreme hedd, to Sir John Pakynton knyght, Sir Robert Acton knyght, John Skewdamour Esquyer, William Sheldon Esquyer, George Willoughby, William Grene, Willyam Crouche, and John Bowrne, directed.*

Names of the Commissioners.

[Among others]

The names of alle the Townes and Parishes, &c.

The paryshe of seynt Nicholas, within the Citie of Worcettor; wherin be, of houselyng people, the nomber of six hundreth.

The names of alle the Colleges, &c.

The Guylde or fraternytie of the Trynytie, in the paryshe of Saynt Nicholas aforesaid.

The names of alle Incumbentes, declaring their agis, learnyng, and qualyties.

John Olyuer, bacheler of arte, Incumbent there; of the age of thyrtie yeres, welle learnyd, and of honeste conuersacoun.

The yearly valewe of alle the landes belonging to the said Colleges and othere the said promocouns, with the yerely reprises, landes solde, and the clere yerely valewe.

The yerely valewe of alle the landes and tenementes belongyng to ye said guylde, as apperythe by the particuler of the same, ...	xiij.*li.* xvij.*s.* vij.*d.*
Whereof,—	
In repryses yerely owt of the same, ...	xxvj.*s.* vj.*d.*
Landes solde, ...	None.
And so remn. clere, ...	xij.*li.* xj.*s.* j.*d.*
Plate, ...	xviij. *ounz.*
Goodes, presid at	xj.*li.*
Prechers, ...	None.

The valewe of alle the goodes, Iuells, plate, &c.

The Somes of money yerely gyven out of the premysses for the mayntenaunce of any prechers, scole-masters, or for the relyf of the poore.

A Scoole, as in the Memorand. vnder-wrytten apperyth.

To the poore, owt of the clere yerely valewe, ...	cvij.*s.* iiij.*d.*

Memorand: hit was presented by John Callowe, Maister of

* The original of what follows is arranged in several columns, with a heading to each, which is repeated on every page. To save space, I have here put the contents of each column in a separate paragraph, and have put in the margin as much of the original heading to each column as is enough to explain its purpose.

the said Guylde, Thomas Wylde and Richarde Dedycote, baylyfes of the said Citie, Robert Yowlle, alderman of the same Citie, Thomas Parton, citezen, Thomas Johnson and Richard Hasylcocke, Stewardes or Wardens of the said Guylde, that there hath byn, tyme owt of mynde, a ffree scole kept within the said Citie, in a grete halle belongyng to the said Guylde, called the Trynite halle; the scolemaster wherof for the tyme beyng hath hade yerely, for his stypend, ten poundes; whereof was paid, owt of the reveneus of the said landes, by the Master and Stewardes of the said Guylde for the tyme beyng, vj.*li.* xiij.*s.* iiij.*d.*; And the resydewe of the said stypend was collected and gathered of the deuocioun and benyuolence of the brothers and systers of the said Guylde. And further hit was presented, that, by the space of foure or fyve yeres or more last past, or there-aboutes, the walls of the said Citie, and one great stone brydge with ten Arches within the same Citie, called Syuerne brigge, and the said tenementes, howsis, and cotagis, belongyng to the said Guylde, were ruynous and in greate decaye. By reason wherof they loste the kepyng of the said Scolemaster by the said space of foure or fyve yeres or more; and imployed and bestowed the said money, that dyd vse to fynde the said Scolemaster, to the necessary reparacouns of the said walles, brigges, howses, tenementes, and cotages. And, the same being repayred, they, before the ffeaste of seynt Michelle tharchaungelle last past, prouyded and haue founde an honest lernyd Scolemaster within the said halle, in lyke maner as they before tyme dyd; that is to sey, one John Olyuer, bacheler of Arte; who hathe there, at this present tyme, a-boue the number off a hundred Scolers.

Facts as to the free-school;

why it was suspended;

and that it was restored again, with more than 100 scholars.

NOTE.—In the Appendix to Nash's Worcestershire, is given a copy of a paper which professes to be drawn up from records, copies of the originals of which have been here laid before the reader. In the absence of originals, errors are likely; but that, with those originals before him, any man should write the following strange travestie, is an instructive example of how what is called "History" is written. The Certificates of Colleges do name a *Chantry* of Holy Trinity; but this

is quite distinct from the *Gild;* of which latter it is that this account professes to be written. And what follows is specific as to the "Trinity Hall," which both the Reports before cited distinctly admit to have belonged to the Gild, and not to the Chantry.* The facts as to the transmission of the Hall are probably correct.

"Mr. Habindon's Account of Trinity Gyld.†

"The chantry [*d*] of the chapel of the Holy Trinity, in the parish of St. Nicholas, within the city of Worcester, was founded by Richard Norton and others, by virtue of the king's letters, 18 Feb. 45 Edw. III., to find a priest to sing mass perpetually for the soul of the founder Richard, and all christian souls; as by the same license, shewed before the commissioners, may appear; and was so used. The said Gyld or Brotherhood was established and confirmed by King Henry IV., 1404, to the laud of God and honour of the Holy Trinity, in the church or chapel of the Trinity there, by his letters patent; having authority by the same to stablish a certain perpetual chantry of three priests or chaplains, to sing mass perpetually for the said king; as by a copy of the said letters patent, shewed before the commissioners, may appear. The said service, founded partly by the bequeaste of several

* That the case may be wholly free from doubt, I give what is said as to this Chantry in the Report of 2 Edward VI. [There is a ludicrous blunder in the Report hereon of 37 Hen. VIII.; which it is not worth while, however, to take up space by correcting.] The following is the entire Report, in the Certificates of 2 Edward VI., touching the Chantry:—

The Chauntery of the Trynytie, in the said parishe, ffounded for too contynewe foreuer.

Rycharde Stone, Incumbente, of the age of fyftie six yeares, lernyd, and of honest conuersacoun.

The yerely valewe of the same Chaunterie, as apperyth by the particulers therof ..... x.*li.* vj.*s.* iiij.*d.*

Whereof,—

In repryses yerely owt of the same	viij.*s.* viij.*d.*
Landes solde.....	None.
And so rem^{n} clere	ix.*li.* xvij.*s.* viij.*d.*
Plate.....	None.
Goodes presid at	None.
Prechers	None.
Scoole	None.
To the poore.....	Nil.

† Nash's Worcestershire, Vol. II. App. cxxxviii.

"[*d*] Taken from the account delivered in to the king's commissioners at the Dissolution."

persons, partly purchased by devout persons for and towards the sustentation of one priest, not only to say mass within the said chapel, but also to help the parson and curate in time of need in the parish church, because it doth abound of houseling people. The priest is removable. The value of the revenues, according to the book of First Fruits and Tenths, is £11. 3. 7 per annum. The yearly value, according to the present survey, £10. 2; out of which are deductions. This chantry, with divers houses and lands, both within the city of Worcester and without, belonging thereto, came to the king's hands by act of parliament tempore Edward VI.; which was granted by his majesty, 5 July 2 Edw. VI., to Sir Edward Warriner, knt., and Richard Catplin, gent., who in like sort granted the same, 24 Novemb. 2 Edw. VI., to John Keyme and Richard Keyme.

"Both these grants passing after through several hands, the Trinity Hall, with most of the lands and houses appertaining thereto, came to Robert Yowle, Thomas Wylde, John Rowland alias Steyner, Hugh Ashley, William Langley, and William Welbin. Mr Robert Yowle, as worthy and charitable a citizen as his time produced, surviving some of these feofees, gave, as far as in him lay, the Trinity Hall to the Weavers, Walkers, and Clothiers of the City of Worcester. Mr. John Rowland alias Steyner, married the daughter and heir of Mr. Robert Yowle; who, outliving his father-in-law Mr. Yowle, and all the other feoffees, Mr. Robert Rowland alias Steyner, his heir by Mr. Yowle's daughter, and true heir of their bounty and hospitality and other good deeds, 17 Sept. 9 Jacob R. gave, to the corporation of Weavers, Walkers, and Clothiers of Worcester, the Trinity Hall which his grandfather Mr. Towle before intended, and to his power then performed."

The Seal of the Gild

of St. Nicholas, Worcester.

(*b*) Gild of the Joiners and Carpenters.

[In the possession of the Corporation of Worcester are two volumes, containing the "Orders and Bylawes made and ordeyned" by this gild, or company. It is recited, in several places, that this was an ancient company; and more than one charter seems to have been granted to it. The ordinances, however, in the form in which they are found in these books, though no doubt they were taken from much older ordinances, and though of the same general type as the old ordinances of craft-gilds, are stated to have been agreed to in the seventeenth century. I therefore print here no more than a kalendar of the substance of them, the original of which is contained in one of the two volumes. This will give a useful illustration of the style of ordinances which were actually in use during the seventeenth and eighteenth centuries, and will enable sufficient comparison to be made with the older ordinances.]

Ordinances of the gild as settled A.D. 1692.

No. 1. Penalty of 3.*s.* 4.*d.* for a Freeman of the Company not being present at the Election and swearing of the Master and Wardens, having had reasonable notice, and no just excuse for his absence.

2. Penalty of 40.*s.* for a Freeman of the Company and assistants, chosen Master, Refuseing that office.

3. Penalty of 20.*s.* for a Freeman of the Company, chosen a Warden, Refuseing that office.

4. Master, within 10 Days after Election and swearing of another, to deliver in his Account to the Master, Wardens, and Assistants. And to pay the Ballance, and deliver papers, &c. to the new Master, under the penalty of £5.

5. Penalty of 20.*s.*, or less, for a Freeman of the Company misbehaving to the Master, Wardens, or Assistants.

6. Where Companys Effects to be kept.

7. Penalty, not exceeding £5, for makeing deceitful Work.—Disfranchisem^{t}, if Penalty not p^{d} within 2 months after assessed.

8. Penalty of £5 for takeing an apprentice for less than 7 years.—How to be bound.

9. Penalty for takeing a child, or young Man, to teach him the trade, without binding him apprentice.

10. Penalty of £5 for takeing an apprentice, to sell him again to anor of the same trade.*—Who may keep 2 apprentices at same time.—Who may keep only one.—Within what time, before the Expiration of such apprenticeship, the Masr or Mrs may take anor apprentice.

11. How an apprentice to be dealt with, for absenting from his service;—and penalty of 40.*s.* by the Master for takeing such apprentice again, without first presenting him to the Master, Wardens, and Assistants.

12. Who shall not be free of the Company for less than £20. —Who shall be set to work by a Freeman of the Company;— and penalty of 20.*s.* for offending.

13. Penalty of 20.*s.* for Inveigleing away a Journeyman or Servant from a Freeman of the Company.

14. Penalty of 40.*s.* a month for useing the Trade of a Joiner or Carpenter, not having served a seven years apprenticeship and been free of the Company, except he work as a Servant or Journeyman with a Freeman of the Company.

15. Penalty of 5.*s.* for a Freeman's not entering his Journeyman's Name in the Company's Book, and paying 1.*s.* for such Entry.—And one shilling a Quarter so long as such Journeyman continues to serve in the Trade.

16. Penalty of 3.*s.* 4.*d.* for a Freeman of the Company being absent at a meeting, without reasonable Excuse, to be allowed by the majority of the Master, Wardens, and assistants.

17. A Freeman of the Company convicted of Felony, to be

* Of course this does not mean, as its literal sense would imply, to sell the body of the apprentice; but, to sell the master's interest in the Articles of Apprenticeship; the value of which would depend upon when the apprentice has reached so much skill as to make his services more or less valuable to a master.

disfranchised, and excluded the Company; and an order for that Purpose to be entered in the Company's Book.

18. A Freeman of the Company buying Timber or boards, come to Worcester to be sold fit for the Crafts, every Freeman of the Company to have not exceeding a 3d share in it, on request, and paying ready money for it, after the rate same were bought. And on refusal to share same, to forfeit 20.*s.**

19. How penaltys and Forfeitures to be recovered.

20. A Master of the Trades to pay 20.*s.* on his being so chosen. The charges of such meeting to be defrayed, equally, betweēn such of the Company then present, save the Master for the last year, at the chooseing the new Master; [each] to pay, towards the Charges of such meeting, 6.*s.* 8.*d.*—And every person admitted a Freeman of the Company, at his admittance to pay 40.*s.*

2nd Septr 1723. A confirmation of the Bye-laws, by Sir James Mountagu, Lord Chief Baron of the Exchequer, and Jeffery Gilbert, Esqr, a Baron of sd Court, Justices of the Oxford Circuit.

[One of the books contains the originals of two other ordinances, enforcing the foregoing, and dated 15th July, 1793. Both are sealed with the seal of the gild, and are "ratified and confirmed" by the signatures of Lord Kenyon and Sir Nash Grose, as Justices of Assize. Such signatures were made necessary by two Acts, passed in the times of Henry VI. and Henry VII. (15 H. VI. c. 6; 19 H. VII. c. 7), as is more fully shown in the Introduction to this volume.]

* The true meaning of this ordinance can hardly be understood without the full words of it; which are as follows:—"Item, It Is Ordered That if any ffreeman of the said Company Shall buy any parcell of Timber or Boards that Come to the said City of Worcester to be Sold, and fitt for the said Crafts or either of them, That then it Shall be lawfull for every ffreeman of the sd Company to have a Share therein, not exceeding one Third part thereof, Upon request, and paying reading[1] money for the Same, after the rate of the said Timber and Boards were bought. And whosoever of the said Company refuseth to Share or divide Such Timber or Boards brought within the said City, Contrary to the Intent of this Article, Shall forfeit, for every Such Refusall, Twenty Shillings, to be paid to the said Master of the said Company for the time being, for the vse of the said Company."

[1] (*sic.*)

XI.

STRATFORD-UPON-AVON.

Gild of the Holy Cross.

[It is very remarkable that, although whatever concerns Stratford-upon-Avon has been made the subject of researches more frequent, probably, than have ever been made as to any other place of equal importance in England, the Ordinances which now follow have never before been made known to the public, and appear never to have come to the knowledge of any searcher. Mr. Thomas Fisher, very early in the present century, had full opportunities given him, of which he carefully availed himself, to examine the Records of this Gild; and he distinctly informs us that he examined documents which "carried back its history to the reign of Edward the First."* But he gives no hint whatever of having found any traces of the existence of the documents that now follow. Mr. Halliwell, in his "Descriptive Calendar of the Ancient MSS. and Records in possession of the Corporation of Stratford-upon-Avon,"† has gone over the same ground as Mr. Fisher went over nearly sixty years earlier. But neither does he appear to have found any trace of the documents now printed. I deem myself happy in being able to

* "Gentleman's Magazine," New Series, vol. iii. (1835), p. 162; and see *ib.* p. 375.

† Printed (only seventy-five copies) in 1863, in a very large folio volume containing 467 pages. Unfortunately, the work has neither "Contents" nor "Index." But the documents which I now give would have been made prominent, if they had been known. I have searched the volume in vain for any copies or any description of either the Ordinances or Reports.

give, in this volume, documents which will not only be interesting to every one who looks on the birth-place and home of Shakspeare as a sort of National Shrine, but which also have a high intrinsic value of their own.

As anything touching the birth-place and home of Shakspeare arouses more than a common attention in the mind of every

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(1.) THE ORIGINAL RETURN, IN LATIN.*

The original Return, made on 30th January, 1389.

Nicholaus Samer et Walterus Golde, custodes gilde sancte Crucis de Stratford in Comitatu Warrewici, virtute cuiusdam proclamacionis facte apud Warrewicum per breve domini Regis, de modo et forma et auctoritate fundacionis, et omnium articulorum in dicto breve specificatorum dictam gildam concernencium, excellencie vestre Regie cum omni subjeccione legia et reuerencia premissa, certifica[n]t in hiis scriptis, penultimo die mensis Januarii Anno regni vestri duodecimo :—Videlicet, quo-ad auctoritatem fundacionis et incepcionis ac continuacionis gilde predicte, predicta gilda est, et incepta fuit, a tempore cuius contrarium memoria non existit. Et quod de dicta gilda sunt, et a toto tempore fuerunt, duo custodes gilde predicte: qui gubernare et recipere debent omnia proficua de tenementis et redditibus dicte gilde pertinentibus, reddendo inde compotum annuatim fratribus et sororibus ejusdem gilde; et ad supervidendum quod ordinaciones fratrum et sororum dicte gilde facte, fideliter in omnibus obseruentur: et qui custodes eligi debent, per fratres et sorores ejusdem gilde, pro tempore quo eisdem fratribus et sororibus placuerit duraturi. Et dicte ordinaciones inferius in scriptis continentur. Et qui quidem fratres et sorores dicte gilde habent, et eorum predecessores habuerunt a tempore cuius contrarium memoria non existit, vt de iure gilde predicte, diuersa tenementa et redditus; que particulariter specificantur in carta confirmacionis domini Edwardi Regis Angliæ, progenitoris domini Regis nunc,

* CCCVIII. 143. Condition, fair, except along one side.

educated man of the English-speaking race, I depart, in this instance, from the course followed in all other cases, and print the Latin original side by side with my translation; and need now only add, that this original is of very high antiquity, and is expressed with a terse brevity not often found in ordinances of later date.]

(2.) Translation of the original Return.

Nicholas Samer and Walter Golde, Wardens of the Gild of the Holy Cross of Stratford in the county of Warwick, in fulfilment of a proclamation made at Warwick under a writ of our lord the King, do now make known to your royal excellency, with all loyalty and respect, the manner and form and source of the foundation of the gild, and all such matters and things touching the gild as are set forth in that writ; all which is set down in this writing, which was made on the last day but one of the month of January, in the twelfth year of your reign :—That is to say; as to the source of the foundation and beginning and continuation of this gild, the gild has lasted, and its beginning was, from time whereunto the memory of man reacheth not. And there are, and always have been, two Wardens of the gild, who are bound to manage and gather in all the profits of the houses and rents belonging to the gild, rendering an account thereof every year to the bretheren and sisteren of the gild; and who ought to take care that the ordinances made by the bretheren and sisteren of the gild are faithfully kept in all things: and these Wardens must be chosen by the bretheren and sisteren of the gild, and remain in office for such time as the bretheren and sisteren think fit. The ordinances themselves are written below. The bretheren and sisteren of the gild have, and their forerunners have had from time whereunto the memory of man reacheth not, many houses and rents belonging as of right to the said gild; which are particularly set forth in the charter of confirmation lately granted to the bretheren and sisteren of the gild, and their

The Wardens of the gild make a Return, in obedience to the Sheriff's proclamation.

The return was written on 30th January, A.D. 1389.

The gild was begun at a time beyond the memory of man.

There are two Wardens,

who manage and collect all rents, &c.;

and render an account thereof yearly to the gild;

and who must see that the ordinances are kept.

These Wardens are chosen by the gild, and hold office for so long time as the gild thinks fit.

Many houses and rents belong to the gild; the holding of which has lately been confirmed by a charter of Edward III.

fratribus et sororibus dicte gilde, et eorum successoribus, nuper facte; cuius quidem carte tenor continetur in quadam cedula huic certificacioni consuta.

Hec sunt consuetudines fratrum et sororum gilde Sancte Crucis Stratfordie.

In primis, quilibet fratrum qui velit in eadem gilda permanere, dabit per annum quatuor denarios, ad quatuor anni terminos; scilicet, ad festum sancti Michaelis, vnum denarium; ad festum sancti Hillarii, vnum denarium; ad pascha, vnum denarium; ad festum sancti Johannis Baptiste, vnum denarium: ad vnum cereum faciendum et sustenendum; qui quidem cereus, ad honorem domini nostri ihesu Christi et beate virginis et sancte crucis, perficietur; et ardebit singulis diebus per annum, ad quamlibet missam in ecclesia, coram beata Cruce; vt deus et beata virgo et Crux veneranda, omnes fratres et sorores in eadem gilda permanentes, ab omni malo custodiant et defendant. Et siquis fratrum vel sororum ad dictos terminos venire contempserit, erit in misericordia vnius denarii.

Prouisum est eciam inter fratres et sorores dicte gilde, quod siquis eorum moriatur, predictus cereus, vna cum octo minoribus, portabuntur de ecclesia ad domum defuncti; et ibi ardebunt coram corpore defuncti, quousque corpus ad ecclesiam portetur; et cerei portabuntur et ardebunt quousque corpus sepeliatur, et postea coram cruce ponentur. Item, omnes fratres prenominate gilde, corpus defuncti sequi debent versus ecclesiam, et pro anima eius orare quousque corpus sepeliatur. Et quis eorum hoc non fecerit, erit in misericordia *ob.*

Prouisum est eciam inter predictos fratres et sorores, quod siquis pauper homo in villa moriatur, vel siquis extraneus non habeat vnde lumen de catallis propriis coram corpore suo possit ad ardendum inuenire nec acquietare, predicti fratres et sorores, pro animarum suarum salute, quatuor cereos, et vnum lintheamem, et tapetum ad feretrum cooperiendum, ei, quicumque fuerit, inuenient, quousque corpus sepeliatur.

successors, by the Lord Edward, King of England, forefather of the Lord the King that now is; a copy of which charter is given in the schedule stitched to this return.

These are the ordinances of the bretheren and sisteren of the Gild of the Holy Cross of Stratford. The ordinances.

First: each of the bretheren who wishes to remain in the gild, shall give fourpence a year, payable at four times in the year; namely, a penny on the feast of St Michael, a penny on the feast of St. Hillary, a penny at Easter, and a penny on the feast of St. John Baptist. Out of which payments, there shall be made and kept up one wax; which shall be done in worshipful honor of our Lord Jesus Christ and of the blessed Virgin, and of the Holy Cross. And the wax shall be kept alight every day throughout the year, at every mass in the church, before the blessed Cross; so that God and the blessed Virgin and the much-to-be-reverenced Cross, may keep and guard all the bretheren and sisteren of the gild from every ill. And whoever of the bretheren or sisteren neglects to come at the above named times [when the payments are due], shall pay one penny.

Every one must pay fourpence a year.

A wax shall be made and kept up,

which shall be alight in the church during mass, before the holy Cross.

Any one not paying his dues shall be fined.

It is also ordained by the bretheren and sisteren of the gild, that, when any of them dies, the wax before-named, together with eight smaller ones, shall be carried from the church to the house of him that is dead; and there they shall be kept alight before the body of the dead until it is carried to the church; and the waxes shall be carried and kept alight until the body is buried, and afterwards shall be set before the Cross. Also, all the bretheren of the gild are bound to follow the body to church, and to pray for his soul until the body is buried. And whoever does not fulfil this, shall pay one halfpenny.

On the death of any gild-member, the aforesaid wax and eight smaller ones shall be kept alight before the body, and carried to church, and afterwards set before the Cross.

The bretheren shall follow every funeral.

Penalty for neglect.

It is also ordained by the bretheren and sisteren, that if any poor man in the town dies, or if any stranger has not means of his own out of which to pay for a light to be kept burning before his body, the bretheren and sisteren shall, for their souls' health, whosoever he may be, find four waxes, and one sheet, and a hearse-cloth to lay over the coffin until the body is buried.

If any poor man dies, or any stranger of what rank soever, the gild shall find lights and what else is needed for decent burial.

Preterea prouisum est inter predictos fratres et sorores, quod quilibet eorum per annum dabit duos denarios, ad quandam congregacionem inter eos faciendam semel in anno; videlicet, ad quandam potacionem* in septimana Pasche faciendam, in tali forma quod fraterna dileccio inter eos augeatur, et turpiloquia repellantur, set pax semper inter eos reformetur, et vera dileccio retineatur. Et quelibet soror dicte gilde, ad dictam potacionem, ciphum magnum secum portabit; et omnes ciphi ceruisia implebuntur; et postmodum ceruisia dabitur pauperibus. Similiter erit de fratribus; quod ciphi eorum eodem modo ceruisia implebuntur; et dabitur pauperibus. Et antequam illa ceruisia pauperibus erogetur, vel antequam aliquis frater vel soror in domo vbi potacio dicta fiet potabit, omnes fratres et sorores ibidem congregati orationes suas facient, quod deus et beata virgo et Crux veneranda, ad cuius honorem talis facta est congregacio, eos ab omnibus malis et peccatis defendant. Item, siqua soror ciphum non tulerit, sicut prenotatum est, erit in misericordia *ob.* Item, siquis supradictorum fratrum vel sororum, post sonitum campani, litigauerit vel litigium fecerit, erit in misericordia *ob.*

Prouisum est eciam, quod nullus in dicta fraternitate morabitur nisi idoneus homo fuerit.

Preterea prouisum est, quod siquis fratrum moriatur, quod hostiarii debent citare terciam partem fratrum; qui debent coram corpore vigilare, et pro anima orare, per noctem. Quod si neglixerint, post citacionem factam, quilibet qui non fecerit dabit *ob.* pro emenda.

Prouisum est per commune concilium tocius fraternitatis, quod duo fratres erunt Aldermen; et sex alii fratres erunt electi, qui regent totam fraternitatem cum predictis Aldermen; et quis

* I translate this word "potacio" as "feast." There can be no doubt that it is equivalent to the old English word "*ale*," which was long used with the sense of *feast*. Thus we have *Whitsun-Ale*, *Church-Ale*, &c. &c., and *Bride-Ale*, which is still in use in the form *Bridal*. See the subject fully considered, with many illustrations, in "The Parish" (second edition), at places under the word "Ales" in Index. And see an analogous case before, p. 175, note †.

It is further ordained by the bretheren and sisteren, that each of them shall give twopence a year, at a meeting which shall be held once a year; namely, at a feast which shall be held in Easter week, in such manner that brotherly love shall be cherished among them, and evil-speaking be driven out; that peace shall always dwell among them, and true love be upheld. And every sister of the gild shall bring with her to this feast a great tankard; and all the tankards shall be filled with ale; and afterwards the ale shall be given to the poor. So likewise shall the bretheren do; and their tankards shall, in like manner, be filled with ale, and this also shall be given to the poor. But, before that ale shall be given to the poor, and before any brother or sister shall touch the feast in the hall where it is accustomed to be held, all the bretheren and sisteren there gathered together shall put up their prayers, that God and the blessed Virgin and the much-to-be-reverenced Cross, in whose honour they have come together, will keep them from all ills and sins. And if any sister does not bring her tankard, as is above said, she shall pay a halfpenny. Also, if any brother or sister shall, after the bell has sounded, quarrel, or stir up a quarrel, he shall pay a halfpenny.

Every one shall yearly pay twopence, at a feast which shall be held in Easter week, for the purpose of cherishing brotherly love and peace.

Every sister shall bring a tankard, fill it with ale, and give this to the poor;

and every brother shall do the same.

But, before the ale is given, and before the feast is begun, prayers shall be said by the bretheren and sisteren themselves.

Neglectful sisteren shall be fined.

Quarrellers, and stirrers up of quarrels, shall be fined.

It is also ordained, that no one shall remain in this gild unless he is a man of good behaviour.

Only worthy men shall be allowed to remain in the gild.

It is moreover ordained, that when one of the bretheren dies, the officers shall summon a third part of the bretheren; who shall watch near the body, and pray for his soul, through the night. Whoever, having been summoned, neglects to do this, shall pay a halfpenny.*

Night-watches, with prayers, shall be kept round the body of the dead.

Penalty on any one who, being summoned, does not come.

It is ordained by the Common Council of the whole gild, that two of the bretheren shall be Aldermen; and six other bretheren shall be chosen, who shall manage all the affairs of the gild with the Aldermen; and whoever of them is absent on

There shall be two Aldermen, and six help-men, to manage the affairs of the gild;

and whoever of these does not

* Compare this ordinance with the very curious one near the end of the ordinances of the Gild of Palmers of Ludlow (before, p. 194). It will be observed that in this case, as in that, the night-watching is to be done by bretheren only, not sisteren. But here the night-watching is *imperative*; in the case of Ludlow it is only *allowed*, and under strict conditions.

eorum absens fuerit ad diem interlocucionum inter eos assignatam, erit in misericordia quatuor denariorum.

Siquis frater vel soror ducat hospitem, sine licencia senescalli, in misericordia *ob.* Item, siquis extraneus, vel nuncius, siue aliquis puer, intret, hostiariis nescientibus, in misericordia *ob.** Item, siquis frater vel soror presumat capere scannum alterius, in misericordia *ob.*

Item, siquis frater vel soror per infortunium spoliatus fuerit, vel in paupertem ceciderit, dum se bene gesserit et honeste versus fratres et sorores, ipsi inuenient ei victum et vestitum et cetera necessaria.

[Stitched to this Return is a copy of letters patent, issued on the 12th November, in the fifth year of (as it seems). King Edward III., in which are enumerated a long list of grants made to the gild, by many people, of lands, houses, and rents; all which gifts it is declared that the King, "so far as in him lies," confirms to the bretheren and sisteren of the gild, and to their successors. These letters patent contain neither any license in mortmain, nor any "pardon" because of the lands, houses, and rents having been granted to the gild without such license in mortmain.† One or the other of these two would have been necessary, had the grants been made to the gild after the passing of the Statute of Mortmain.‡ It follows, that all the possessions here enumerated, and they are very many, belonged to the gild earlier than the year 1279. What these letters patent did was, to protect the gild against any claim that might be set up, in the name of the Crown, as to any of the lands, houses, or rent-charges named therein. It was simply a precautionary measure.]

* This ordinance clearly implies that, with leave asked and given, guests, &c. would be welcomed.

† See an instance of such "pardon" in the second part of my "Memorials of Old Birmingham" (Men and Names), p. 27. In the same work will be found several illustrations of the practice, common in old times, of granting certain "rents," i. e. rent-charges, without granting the freehold. Hence the terms used in the foregoing ordinances.

‡ See before, p. 195, note.

any day agreed among themselves for a meeting, shall pay fourpence.

attend meetings fixed for business, shall be fined.

If any brother or sister brings with him a guest, without leave of the steward, he shall pay a halfpenny. Also, if any stranger, or servant, or youth, comes in, without the knowledge of the officers, he shall pay a halfpenny. Also, if any brother or sister is bold enough to take the seat of another, he shall pay a halfpenny.

No guest nor stranger shall come to the feast without leave, under penalty.

No one shall take another's seat at the feast, under penalty.

Also, if it happens that any brother or sister has been robbed, or has fallen into poverty, then, so long as he bears himself well and rightly towards the bretheren and sisteren of the gild, they shall find him in food and clothing and what else he needs.

Help shall be given in case of robbery or poverty.

NOTE.—The foregoing ordinances, while bearing every mark of great antiquity, were not, as is clear from internal evidence, drawn up at one time, but were from time to time amended and added to, as has been already seen to have been done in the case of many other gilds. Thus it is said, in the Preamble of the Return, that there are two "Wardens" of the Gild; while, near the end, there is an ordinance as to two "Aldermen" and six help-men. Again, in the last ordinance but one, a "steward" (*senescallus*), nowhere else named, is found; and, in two other ordinances, "hostiarii" are named, which I translate, on account of the vagueness of the term, by the general word "officers." *

Mr. Thomas Fisher, after stating that the ancient records of the gild which he had been allowed to inspect and transcribe "carried back its history to the reign of Edward the First," adds:—"at which time there appeared to have been a Gild of Holy Cross, a separate fraternity of our Lady, and another of St. John Baptist; *which three distinct societies were afterwards incorporated into one gild.*" But he does not give us any information as to when this incorporation took place. The foregoing ordinances show that it had not taken place in the year 1389, when those ordinances were returned as what were at that time in use. But it appears to have taken place before the year 1442; for Mr. Fisher found, and in 1835 printed in the "Gentleman's Magazine," † "the constitucyons and ordinaunceys for the good gouernaunce and rewle of the Gilde of the Holy Cros, oure Lady, and Seynt

* See a similar case of variance of titles in the case of Chesterfield, before, p. 165, note. And as to "help-men," see the Hull Gilds, before, pp. 156, 160, 162.

† See the references on p. 211, note.

John the Baptist, of Stratford-uppon-Auene, made and ordeynyd the Monday next after the fest of the translacion of Seynt Thomas the Martir, the yere reyne of Kynge Harry, the Sixte after the Conquest, the xxj^ti.^"* These constitutions and ordinances are entirely different from those printed above; more diffuse, made much more to serve the interests of priests, and having nothing answering to the picturesque passages that are found above, about the sisteren and the bretheren coming to the Gild-hall with their tankards, filling these with ale, and, after prayers said, giving the ale to the poor.† Neither do the ordinances of 1442 contain anything about the "night-watches," nor about the help to be given to those overtaken by the misfortune of robbery or poverty.

In a clause near the end of the ordinances of 1442, things there named are to be done "by the goode minde, wyll, and assent of the said Master and all his Aldremen, *accordyng as hit is of old tyme ordeynyd:*" but the ordinances of 1442 contain not the slightest hint, except in this very indirect way, at the ordinances now printed. It seems most strange that, as the ordinances of 1442 were put into shape not longer than fifty-three years—that is, within a life-time—after the making of the return containing the ordinances now printed, and which were then, and must have been for some time after, the ordinances in actual force, no trace of the latter should be found among what Mr. Nichols describes as the "Records of high antiquity, which belonged to the Bretheren of the Gild, and were preserved among the muniments of their successors, the Mayor and Corporation of Stratford, in a chest in the Gild Hall;" and which reached, Mr. Nichols tells us, "from before the reign of Henry the Third to that of Henry the Eighth."‡

* These are reprinted in Mr. Halliwell's volume, cited above.

† It is particularly worthy of notice that the older ordinances, though enjoining every care for the decency of burials, and enjoining prayers (*by the bretheren and sisteren themselves*) before feasts, say nothing whatever about any priests, and make no provision for them. A large part of the ordinances of 1442 is, on the contrary, devoted to provisions for the support, board, lodging, and services of priests. Compare the Chesterfield Gilds, before, pp. 165, note, 168, note.

‡ Preface to a volume of plates of old "Paintings in Fresco, discovered in 1804, on the walls of the Chapel of the Trinity, belonging to the Gild of the Holy Cross at Stratford-upon-Avon," by Thomas Fisher. Edited, and the plates described, by J. G. Nichols, and re-published, in 1838. Few copies of this work are complete in the number of plates, owing, no doubt, to the delays in publication (see the note on p. 163 of the "Gentleman's Magazine," as above cited). I am indebted to Mr. Samuel Timmins, of Birmingham, for the loan of a copy of the work which is almost complete.

[The following documents seem to have been as little known to both Mr. Fisher and Mr. Halliwell as the ordinances printed above have been shown to be. They must be compared together. Their differences are striking and instructive.]

(3.) Report of the Commissioners of 37 Henry VIII., as to the Gild of Stratford-upon-Avon.*

Gilda de Stratfford in Comitatu predicto.†

[The yearly income, from rents, &c., is set down in detail; and amounts to] ..... l.*li.* xxiij.*d. ob.* — Income of the gild.

[The yearly outgoes are also set down in detail; and amount to] ..... lj.*li.* xix.*s.* viij.*d. ob. q*^{r}. — Outgoes of the gild.

Et sic videtur in superplus..... xxxvij.*s.* ix.*d. q*^{r}.

The same yelde was ffounded by kyng Henry the iiijth,‡ by the name of a M^{r}., ij. proctors, an Alderman; and to erect as many prestes as the revennewes of the same wyll extend vnto. And there be, at thys present tyme, v. prestes; whereof one, A Scolemaster of Gramer, and celebratyng dyvyne seruyce w^{t}in a Chapelle stondyng in the myddes of the same, ffor the greate quyetnesse and Comffort of alle the parissyoners there; ffor that the parisshe Churche stondythe owte of the same towne, dystaunt ffrom the moste parte of the seyd parisshe halffe a myle and more; and in tyme of syknes, as the plage and suche lyke

The state of the gild in A.D. 1546. A schoolmaster. Why the chapel was founded.

And I am indebted to the same gentleman, always liberal in such matters, for the loan of a copy of Mr. Halliwell's "Calendar" of the Stratford records.

* Certificates of Colleges, Warwick, No. 31. (In the Public Record Office.) It is unnecessary to give the Titles of these Reports, examples of them having already been given under the heads of Ludlow and Worcester.

† This heading gives another example of what was stated in a note to the Gild of St. Nicholas, Worcester; namely, that a gild, though dedicated to a special saint or otherwise, is often called by the name of the place only. The same thing will be found in the case of the Gild of the Holy Cross of Birmingham.

‡ It will have been seen that this statement is, in all its parts, utterly untrue. See the note to the Ludlow Gild, before, pp. 197, 198.

dysseses dothe Chaunce w^t^in the seyde Towne, than alle suche infectyue persons, w^t^ many other ympotent and pore peaple, dothe to the seyd Chapelle resort ffor there dyuyne seruyce. And in the same Towne there ys a merkett, wekely kepte; and havyng in yt abowt M.D. houselyng peaple: to-gether w^t^ vij. lyttle hamlettes therto belonging, whiche hathe no other resort but only to the same Chapelle and parisshe Churche. Also the goodes and ornamentes there-to belongyng here-aft^r^ dothe apere.

1500 people in the parish partake of the Lord's Supper.

[But no statement of the "goodes and ornamentes there-to belongyng, dothe apere," notwithstanding this promise.]

NOTE.—The condition of things as to the Church and Chapels in and near to Stratford, will be better understood by adding the following extract, from the same Report of the Commissioners of 37 Henry VIII., as to

THE COLLEGE OF STRATFORD-UPON-AVON.

Foundation of the College of the Church of Stratford-upon-Avon.

The members are resident; and the Warden is parson of the church.

The parson could not serve the cure without help.

There are two outlying chapels in the parish; both of which are two miles away from the church.

The priest of one of these has the small tythes of the village;

the curate of the other is paid out of the college endowments.

The seyd College was ffounded by one John Stratfforde, sometyme Archebysshoppe of Canterburye, ffor one Wardene, ffyve prestes, and iiij^or^ querysters, to mayntayne dyvyne seruyce w^t^in the parisshe Churche of Stratfforde. Whyche be there nowe Resydent; and the seyde Wardene ys parson of the same Churche, as in the ryght of the seyd College. And the same parisshe ys x. myles Compasse, and he hathe the Cure of M.D. houselyng peaple w^t^in the same parisshe; so that, w^t^owte the helpe of the seyd prestes, he ys not able to serue the seyd Cure. Also there ys, belongyng to the same Collegiate Churche, ij. Chapelles, the one caulyd Bysshopston, and the other Luddyngton, beyng members of the seyd Parisshe, and eche of them dystaunt ffrom the seyd Churche ij. myles. And the preste of the same Chapelle of Bysshopstôn, hathe the mynute tythes of the village of Bysshop[s]ton, for seruyng the Cure there, whiche ys not comprised, aboue, in the Reuennewe of the seyd College, nor yet w^t^in the deduccouns of the same. And the other Curate, of Luddyngton, ys payde by the Warden, as apperythe aboue in the deduccouions of the same College. Also there hathe beene nother londes, tenementes, or any possessions of the same College, solde sythene the tyme before limyted. And the Inventory of the goodes there-to belonging here-after dothe appere. [But it does not appear.]

Income of the college; and how it is spent.

The yearly income of this College is set down, in the same Report, as cxxvij.*li.* xviij.*s.* ix.*d.*, the whole of which is expressly stated to be

spent in the objects of the endowment. The Report of the Commissioners of Edward VI. puts the income at the lower sum of cxiij.*li.* xviij.*s.*; of which it says that cviij.*li.* v.*s.* j.*d.* is paid to the Warden and others; but it adds:—"M^{d}. All the stipendaryes above wrytton have hadd, allways, besydes theyr yerelye stipende, ij.*s.* wekelye ffor theyr dyett, allowed owte of the possessions of the said College." That these "stipendaryes" lived sumptuously, seems shown by the further fact, stated in the same Report, that, when the evil day of legislative plunder came, there was appropriated "to the Kynges mat^{ies} vse," among the other possessions of this College, no less than "cclx. ounces of plate."

Besides their stipends, all those on the endowment have a weekly allowance for diet.

The college was rich in plate.

(4.) Report of the Commissioners of 1 Edward VI., as to the Gild of Stratford-upon-Avon.*

Guilda de Stratforde-super-Avon in Comitatu predicto.

Terre et possessiones dicte guilde pertinentes, valent clare per annum ..... xliij.*li.* xj.*s.*

Income of the gild.

Quatuor capellani ibidem habent, per litteras patentes, quilibet eorum, cvj.*s.* viij.*d.* Aliter non habent promociones. In toto, per annum ..... xxj.*li.* vj.*s.* viij*d.*

Salaries of chaplains.

Item, Clericus ibidem habet, per annum, iiij.*s.* Et Oliuerus Baker, Custos horalogiæ ibidem, habet, per annum, xiij.*s.* iiij.*d.* In toto per annum ..... xvij.*s.* iiij.*d.*

Salaries of the gild-clerk, and of the clock-keeper.

Scolem^{r}. M^{d}.:—Appon the premisses ys one ffree Schoole; and one Will^{a}m Dalam, Scholem^{r} theare, hathe yerelye, for teaching theare, by patente, ... x.*li.*

Salary of the schoolmaster.

Poore. There ys allso gyven yerelye to xxiiij. poore men, bretherne of the said guilde, lxiij.*s.* iiij.*d.*; vz., x.*s.* to be bestowed in Coles, and the rest gyven in readye money; besydes one howse theare, called the Almes-howse; and besydes v. or vj.*li.* yeven them of the good provision of the m^{r} of the same guilde. And the same liij.*s.* iiij.*d.* to be payed them, euerye quarter xiij*s.* iiij.*d.* ..... lxiij.*s.* iiij.*d.*

Gifts to the poor.

Coals, an alms-house, and gifts in money.

[There is a marginal note as follows:—]

Continuetur Schola quousque.

Let the school go on.

* Certificates of Colleges, Warwick, No. 57.

NOTE.—It was the chapel which is mentioned in the Report of the Commissioners of 37 Henry VIII., that led to the publication of Mr. Fisher's valuable work on Stratford-upon-Avon, which was begun in 1807; several paintings representing the history of the finding of the holy cross having been discovered on the walls of that chapel in 1804. The progress of the work was stopped through the heavy tax imposed on authors, in the shape of copies required to be gratuitously given to different institutions, under the Copyright Acts. As re-published in 1838, it contains (when complete) seventeen coloured plates of the paintings within the chapel, five plates of seals, and thirty-one plates of records and extracts from records now in the possession of the Corporation of Stratford-upon-Avon.

The story of the finding of the holy cross, or "rood," was so popular in the middle ages, and gave name, in England, to so many gilds, that it will make the subject better understood if I add, here, an outline of that story. Some of the gilds made it a part of their business to give a representation, in pageant, of the finding of the holy rood on the day of their great yearly feast.* I have sketched the following outline from a long poem, written in the English of the old Anglo-Saxon times, which is printed in the last Part (15) of the publications of the Ælfric Society.

THE LEGEND OF ST. ELENE, AND THE FINDING OF THE HOLY ROOD.

A.D. 233, the Huns attacked the Romans.

Two hundred and thirty-three years after Christ's birth, and six after Constantine became Cæsar of Rome, the Huns came down in mighty force against the Romans. Constantine was affrighted; but,

In a dream, Constantine sees the holy-rood, and is told to make it his beacon.

He does so, and smites the foe.

in a dream, the likeness of the holy-rood was shown to him, by one who told him that, with this for a beacon, he should overcome his foes. Then he had a rood-tree made, and borne as his standard before the Roman host; and the foe was smitten down. Constantine asked his wise men what this rood-tree meant; but they could not tell him. Some however, who had been baptized, told him the gospel story, and the meaning of the Cross. Thereupon he was himself baptized; and he besought his mother, Elene, to go into Jewry, and seek for the true holy-rood.

Some Christians told him what the rood-tree meant: so he was baptized, and sent his mother to find the holy-rood itself.

She went forth with many followers; and at length reached Jerusalem. She called together the Elders of the Hebrews, and spoke to them reproachfully. They did not understand what she meant, till one Judas told them that he was sure she wanted to find the holy-rood;

She goes to Jerusalem; asks for information; and is refused.

* See, for example, Beverley; before, p. 148.

but he charged them not to let her know where it was hidden. Thereupon, the elders refused to tell anything to Elene; and she, filled with holy wrath, threatened to burn them all up with fire. In this fearful straight, they gave up Judas to her. She besought him to tell what he knew. He would not; so she had him bound, and cast into a dry pit, and left him there to starve.

She threatens to burn all the elders; and so they give up Judas to her; and she puts him in a pit to starve.

When Judas had borne this Christian kindness for seven days, his courage was worn out, and he said that he would tell the truth. Then he was released; and he led the way to the hill of the Crucifixion. He prayed for a mark by which he might be sure of the exact spot where the holy-rood lay; and straightway there rose up a smoke from the earth. Gladly did Judas then dig; and, after digging twenty feet deep, he found three crosses. The three were taken to Elene; but she wished to know which of the three crosses was the true holy-rood itself. Judas did not know; and all waited for a sign from heaven, to make known the truth. This was at length vouchsafed, by the raising up to life of a young man who was being carried out for burial; and who, after being touched in vain by the crosses of the two thieves, was at last touched by the holy-rood itself.

After seven days, Judas promises to tell the truth.

Going to the hill of Crucifixion, a miracle shows the spot where the rood-tree was buried.

Three crosses are dug up; out of which the true rood-tree is found by another miracle.

And now the Hell-devil grew mighty wrathful, and made a long speech, which is fully reported; but Judas answered him in a long speech, which is also fully reported. Then Constantine bade Elene to have a church built on the hill-side where the holy-rood had been found. And Judas was christened, and made bishop of Jerusalem, by the name of Cyriacus.

The Hell-devil and Judas have a debate.

A church is built where the rood-tree was found; and Judas is made Bishop of Jerusalem.

But Elene wished, furthermore, that the nails used in the crucifixion should be found; and these, as the holy-rood itself had been, were made known by a fiery token arising from the earth, in answer to the new bishop's prayer. Following the bishop's advice, Elene had the nails made into a bit for the bridle of Constantine's horse, to be used for a charm of safety to him in war. Then Elene went back home again, bidding all men to keep, for evermore, the day of the finding of the holy-rood. And this was done in the month of May, six days before the beginning of summer.*

The nails used in the crucifixion were afterwards found;

and were made into a bit for the bridle of Constantine's horse, as a charm of safety.

* The third day of May was held sacred to the "Invention [i. e. finding] of the Holy Cross."

XII.

COVENTRY.

(*a*) The Gild Merchant.*

The merchants of Coventry, being far from the sea,

got a charter from Ed. III., in 1340, after inquiry by a jury;

in which charter the Gild Merchant and its ordinances are fully recognized.

This Return begins by stating that the merchants of Coventry found themselves much troubled about their merchandise, through being so far from the sea; and therefore got a charter (letters patent) from Edward III. for the foundation of a Gild Merchant. This charter, dated 20th May, 14 Ed. III. (A.D. 1340), is set forth at full length. It recites that an inquiry had been held, under the Writ *ad quod damnum*;† and that it had been found, by the jury, that no harm would befal Coventry, or any one, if a Gild Merchant were founded there, with bretheren and sisteren, and a Master, and the usual powers of a gild, including that of making ordinances. The charter goes on to declare that King Edward, "so far as in us lies," enables the men of Coventry to establish their Gild Merchant, and to make ordinances as they list.‡ The inscription round the Great Seal having shortly afterwards been changed, the charter of 20th May

* CCCVIII. 87. Condition, fair, but destroyed in places. Old French.

† The meaning and purpose of this Writ will be more fully seen under Birmingham (after, p. 240).

‡ As the gild could have been founded without any charter, there can be little doubt that this charter was got in the hope of smoothening the way towards the licenses of mortmain which were needed to enable the gild to hold lands; and which licenses would be more likely to be given when the gild was thus formally acknowledged. There seems, indeed, to have been some obstacle in the way of this gild as to getting these licenses; for this Return shows that, forty-eight years after the gild had been founded, the

was, two months later (20th July), confirmed by an *inspeximus* charter, under the new Great Seal.* This second charter is also set forth; and then follow the Ordinances.

licenses were not yet got. Probably the hitch arose through some of the middle lords; the license of every middle lord being quite as essential as the license of the Crown. The way in which these licenses are spoken of near the end of this Return, seems to point to these middle lords as giving trouble on this matter. See after, p. 231.

* The curious facts here stated as to the Great Seal are instructive. Superficial writers on English history often point to the frequent confirmations of Magna Charta, as showing that it was not much heeded. The facts are exactly the reverse. The Great Seal has always been held to carry unimpeachable authenticity. But every Great Seal bears the style of the reigning king. Parliament insisted on one king after another reaffirming the Great Charter, under oath and the Great Seal, in order that it might not be pretended that the obligations contained in it were *personal* only to any one king. The same idea is well illustrated, though in another shape, in the present case. The letters patent (or "charter") of 20th May were sealed with the Great Seal then in use. But, another Great Seal having come into use soon after, the Gild Merchant of Coventry took the wise precaution to have the same identical letters patent exemplified under the new Great Seal, so as to stop all quibble. This was a *new* Great Seal under the *same* king (not the only change of the sort in Ed. III.'s time), and not the Great Seal of a new king. But the principle is the same, and it is only brought out the more strongly by such an illustration.

These changes in the Great Seal of Ed. III. give rise to some puzzling questions. We learn from the Close Rolls (14 Ed. III. p. 1, m. 33, d), under date of 21st February, that it was, on that day, made known to all the Sheriffs in England, that Ed. III. had taken the style of King of France, and that a new Great Seal would be therefore made, and would be thenceforth used; all which would be explained to the Parliament that was to meet on Wednesday next after Mid-lent Sunday (29th March, 1340). The same Close Roll, a little further on (m. 35, d), tells us that, on the 1st March following, the King gave into the hands of the Master of the Rolls a Great Seal then newly made [*de novo fabricatum*] for use in England, and which he had brought with him from abroad; the Master of the Rolls at the same time giving up to the King the Great Seal that had been used while the King was in parts beyond sea. It is added, that the Master of the Rolls, on the same 1st March, opened the purse in which the new Great Seal was kept, and put it to use. [*Eodem die aperiri, et brevia inde consignari, fecit.*] This 1st March would, however, be four weeks earlier than the time when the promised explanation would be given to Parliament; and possibly the Parliament might demur to the new seal. The Rolls of Parliament show that much jealousy was felt at the King's having taken

The Ordinances.

The Ordinances of the bretheren and sisteren of the Gild.

Chaplains shall be found, if the means of the gild allow it;

but such means shall not be so applied until the poor of the gild have been provided for,

and the other charges of the gild have been paid.

The chaplains shall be chosen by the Master and the rest of the gild, and shall fulfil duties as

First: the bretheren and sisteren of the gild shall find as many chaplains as the means of the gild can well afford; and shall enlarge or lessen the number of chaplains according to the more or less flourishing state of the gild; saving to the bretheren and sisteren of the gild who are fallen into poverty the finding of their means of living, according as need may be, as is hereafter said; and also saving the reasonable costs and charges of the gild. And such chaplains, if the gild can keep them, shall be wise and fit men, of honest and chaste life, and shall be chosen by the Master, bretheren, and sisteren of the gild; and they shall read, pray, and chaunt, for the welfare of holy church,

the style of King of France; for it was formally declared, in this very Parliament, and admitted under the Great Seal, that the Lords and Commons of England owed no allegiance to the King as King of France, but only as King of England. What then was the Great Seal actually in use in the May following? The Coventry Charter of 20th July expressly says that the Charter of 20th May was sealed with "the seal which we *then* used in England" [*sub sigillo quo* tunc *utebamur in Anglia*]; and, after setting forth the words of the Charter of that date, adds, that this charter is (on 20th July) exemplified "under the seal which we *now* use in England," [*sub sigillo quo* nunc *utimur in Anglia*]. It is therefore unquestionable that an authentic Great Seal was in use in England on 20th May, which was not the same as that which was in use on 20th July, though both were used in the name of King Ed. III. The question is, was the general use of the new Great Seal, bearing the new style of Ed. III. as King of France, delayed until July, notwithstanding the writ sent round to the Sheriff on 21st February and the Close Roll of 1st March; or, was the seal used in July a *special* Great Seal, used in the King's name, but, in the absence of the King, by the Duke of Cornwall (Edward the Black Prince)? The Duke had been declared, by the same Parliament of 1340, Warden of the kingdom during the absence of Ed. III. in France. Bearing in mind the facts, as to *two* seals, stated in the Close Rolls of 1st March, the latter is perhaps the true explanation of this puzzle of dates and seals. The Charter of May is tested by the King himself; that of July is tested by the Duke of Cornwall. Still, there is a difficulty in accepting this explanation, inasmuch as the above Return expressly tells us that the reason for getting the second Charter was, that the inscription (*i.e.* the style of the King) round the seal had been changed:—"Quele chartre feust apres renouellez par mesme laiel, *par cause que lescripture de soun seal feust chaunger.*"

for our lord the King, the Queen, Archbishops, Bishops, and other prelates and clergy of the realm, for dukes and duchesses, earls and countesses, barons and baronesses, and all other good men, and for the commonalty of the realm of England, and for all the bretheren and sisteren of the gild, and for all the good-doers to them. And if these chaplains, or any of them, misbehave, they shall be removed, and other fit persons shall be put in their stead.

stated in this Ordinance.

Any chaplain misbehaving, shall be removed.

Also, if any man or woman of the gild, who has been helpful to the gild according to his means, has, by mishap, and not by any fault of his own, fallen into poverty, the gild shall lend him a sum of money, to trade and make gains with, for one year, or two, as they think well, without taking anything for the loan. And if any man or woman of the gild becomes so feeble, through sickness or old-age, that he can neither work nor trade for himself, he shall be maintained, at the cost of the gild, in such a manner as befits his need.*

If any one of the gild is overtaken by mishap, the gild shall advance him a free loan to trade with.

In case of sickness or old age, the gild shall maintain the sufferer.

No man nor woman who has been openly reputed or charged as guilty of any shameful crime,† shall be taken into the gild. And if any one, after he has been taken into the gild, falls into any such crime, he shall be put out from the gild.

No one charged with crime shall be taken into the gild; and any gild-brother falling into crime, shall be put out of the gild.

Every year, on the feast of the Assumption of our Lady, there shall be a gathering of the Warden, bretheren, and sisteren, to celebrate the feast; and to look over and examine the affairs of the gild, and all that concerns them.

The gild shall meet every year, to keep the feast of the Assumption, and to deal with the affairs of the gild.

Once every quarter there shall be a gathering of the Master, bretheren, sisteren, and chaplains, to pray and chaunt for the welfare of the noble King Edward, the Queen Isabella his mother, the queen Philippa his wife, our lord the Prince, son of our noble lord King Edward; for the welfare of all the bretheren

Once every quarter, the gild shall meet, and have prayers said.

* The original of this generous clause is as follows:—"Et si ascune homme ou femme de la dite fraternite soit si feble, par maladie ou veillesse, qil ne purra trauailler ne marchaunder, il serra troue, a les costages de la dite gilde, couenablement solonc ce que soun estat demaunde."

† The words of the original are:—"Appertement allose ou esclaundre de ascun crime abhominable." See before, p. 158, and the note * there.

and sisteren of the gild; for the souls of the dead; for the souls of the bretheren and sisteren of the gild; and for the souls of the good-doers to the gild, and of all Christians.

The name of the gild shall not be taken in vain, to back up any wrong or quarrel.

No one of the gild shall raise a quarrel, or uphold any wrong-doer, in the name of the gild, or to the discredit of the gild, on pain of being put out from the gild for ever.

On the death of one of the gild, chaunts shall be sung for his soul, by name and surname; and the name and surname shall be written down, and laid upon the altar.

When any brother or sister of the gild dies, each of the chaplains shall chaunt for his soul, by his name [*and surname of baptism*], for a whole year next following; and the said name and surname of baptism shall be written on a tablet, and put on the altar, in the place where the chaplains chaunt.

If any one of the gild dies and is buried outside the city, the same services shall be had and done as if he had died within the city.

If any brother or sister of the gild dies and is buried outside the city, so soon as the Master knows it, he shall call together all the chaplains of the gild, the "clerks," and the other good men of the gild, and they shall fulfil watch, dirige, mass, and oblations, as if the body were present; and the "bedeman" shall pray for the soul of the dead, and for the souls of all Christians, at the cost of the gild.

When any one does not leave enough to pay for burial, he shall be buried at the cost of the gild.

If any brother or sister of the gild, at the time of his death, is so poor that he leaves not enough wherewith to pay for his burial, he shall be honorably buried, as becomes a brother or sister of the gild, at the cost of the gild.

The foregoing ordinances shall last for ever; and have been kept hitherto.

Which articles aforesaid, the Master, bretheren, and sisteren have ordained shall endure for ever, according to the purport thereof. And the gild has continued and been managed according to those ordinances.

All of the gild shall swear faithfully to keep the ordinances; and the Master shall swear to deal rightly with the goods of the gild, and every year to render an account before chosen auditors.

Moreover, the said Master and bretheren shall be sworn that they will, in good faith, uphold and put in force the articles aforesaid. And the Master shall be sworn that he will well and loyally keep and expend the goods and chattels of the gild; and that he will render a true account thereof, at the end of every year, before auditors chosen by the bretheren.

The Master, bretheren, and sisteren of this gild have divers

goods; that is to say, maser tankards,* vessels of pewter and brass, and napery, worth xx.*li.*; and gold and silver in the treasury, to the sum of xx. marks.

The gild possesses valuable tankards and other goods, as well as money in gold and silver.

And they have also chalices, vestments, liveries, and other ornaments of holy church, for the use of the chaplains in divine service, worth xv. marks vj.*s.* viij.*d.*

It also possesses chalices, vestments, &c., for the use of the chaplains.

Also, certain well-wishers to the gild now hold certain lands, houses, and rents, worth xxxvij.*li.* xij.*s.* iiij.*d.* a year; which they wish to make over to the gild in mortmain, if they can get the license of our lord the King, and of the other [middle] lords of whom the said lands, houses, and rents are held.

And a large annual rental, from lands, houses, and rent charges, is held for its use; awaiting the getting of licenses of mortmain from the king and the middle lords, so as to become vested in the gild.

And the Master and bretheren of the gild, with the consent of those who now hold the lands, houses, and rents aforesaid, find every year four chaplains; who have, for their yearly salary, xxxij. marks; the bretheren and sisteren finding such vessels and napery† as are needed, worth xl.*s.*

Out of this annual rental, four chaplains are paid salaries; the gild finding the needful vessels and linen.

Out of the rest of the profits of the lands and houses aforesaid, and out of the goods and chattels of the gild, they find means of living for thirty-one men and women, who are unable either to work or to gain their own living; and the charge of this amounts to xxxv.*li.* iij.*s.* a year.

The gild also maintains thirty-one men and women, at a heavy yearly charge.

Moreover, one of the houses before-named is kept as a lodging-house,‡ with thirteen beds, to lodge poor folks coming through the land, on pilgrimage or any other work of charity, in honour of God and of all saints. And there is a Governor of this house, and a woman to wash their feet, and whatever else is needed. The yearly cost hereof is x.*li.*

They also keep a lodging house with thirteen beds for poor travellers;

with a governor, a woman to wash their feet, and all else that is needed.

The bretheren and sisteren, on the feast of the Assumption of our Lady, are clad, some of them in livery suits at their own cost, and others in hoods at the common cost of the gild. And the poor whom they provide for, are every year clad in gowns and hoods worth x.*li.* and more.

On their feast-day, the bretheren and sisteren are clad in livery; some in a full suit at their own cost; others in hoods at the cost of the gild.

Their almsmen are clad in gowns and hoods by the gild.

* See before, p. 174, note.

† "Vessel et Naprie."

‡ The words are:—"Et auxint il ad en vn des tenements suidits vn comune herbegerie de tresze lites, pour herbeger les poueres venants," &c.

[This Return is indorsed :—"Gilda Mercatoria de Coventre."

There are three other Returns from Coventry, in the bundles of what remain of those that were sent up in January 1389. Two only of these are in fair condition; and it will be enough, in their case, as in that of Hull,* to give a short outline of each, without setting forth the whole of the ordinances.]

(*b*) Gild of Corpus Christi.†

License of mortmain, dated 26th May, A.D. 1348.

After a short preamble, an *inspeximus* charter of 4th April, 4 Richard II. (A.D. 1381), is set forth, which confirms a license of mortmain granted to the gild under date of 26th May, 22 Edw. III. (A.D. 1348).

The Ordinances.

The ordinances follow, as made, says the original, by the Master, bretheren, and sisteren of the gild.

A fresh Master shall be chosen every year; who shall swear loyalty to the King, to the city, and to the gild.

Every year there shall be a meeting to make choice of a Master of the gild; who shall be sworn to be good and loyal to our Lord the King, and to the Mayor and Bailiffs of the City of Coventry, and to this Gild.

A chaplain; and commemoration of the dead.

A chaplain shall be found; and four times a year the gild shall commemorate the bretheren and sisteren who are dead, and all good-doers to the gild.

Help shall be given to those who have suffered through sudden losses.

If any of the bretheren or sisteren of the gild falls into poverty, through fire, water, robbery, or any other worldly mishap, not being brought about through his own folly, the Master of the gild and the bretheren and sisteren shall give help, according to the means of the gild, until better times come.

A livery suit shall be worn; and torches shall be carried in procession.

On the feast of Corpus Christi, all the bretheren and sisteren shall be clad in livery, at their own cost, and shall carry viij. torches around the body of Christ, when it is borne through the town of Coventry.

A yearly meeting shall be held at the Palace of the Bishop of Chester;

Every year, on the Sunday after the day of Corpus Christi, the bretheren and sisteren shall meet, after the hour of noon, at the Palace of the Bishop of Chester within the city of

* See before, p. 155.

† CCCVIII. 123. Condition, fair. Old French.

Coventry; and there the last year's Master shall show to the bretheren and sisteren how what they have given has been spent: and the same day they shall choose another Master for the coming year. — when accounts shall be rendered, and a new Master shall be chosen.

[Copies follow of three grants of land and houses to the gild, under the license of mortmain above named, with a statement of the rents arising in each case. — Grants to the Gild, under the license of mortmain.

Then come inventories of the goods of the gild. First are put the things used by the chaplains in religious services, and those used in processions. The house inventory follows, showing how well prepared this gild was for days of feasting:—] — Goods of the gild.

There are, for the altar of the gild, a missal; a chesible, with the alb and amyce, and two "cantr copes" of "blewe satyn," and two amyces of the same colour; an altar-cloth, with a frontel, for the great feast-days;* an altar-cloth, with a frontel, for holy-days;† four "touwelles;" two "cruetes du peweter;" a "pax-brede;" a holder for torches; three torches for the body of Jesus Christ; three waxes; a cross, with a spear, and four banners, for the procession made on the day of Corpus Christi; eight torches for the same procession; a "palyoun" of cloth of gold; two "corporalles;" a cheseble of cloth of silk, with albe and amyce; an "apparel du blewecarde" for the altar; a chest to put these things in:—all which goods are worth x. marks. — Goods for church services, and for processions.

And there are, for the array of the hall, four "bankers," eight "tables," six "pair trestelles," and thirteen "ffourmes:" worth x.*s.* Also, for the "botellerie et panterie," six "bor-clothes;" seven "towelles;" twelve "tankardes;" forty-six white cups; twelve salt-cellars of pewter: worth xiij*s.* iiij.*d.*; four coffers wherein to put these "hustylments," worth iij.*s.* iiij.*d.* Also, for the array of the kitchen, five brass "pottes;" five "paelles," and a great stone mortar; seven dozens of "vesselles du peutre;" a "brandhirne;" and other "hustilments" for the kitchen: worth iiij.*li.* x.*s.* — Goods for the array of the gild-hall; for the butlery and pantry; and for the kitchen.

* "Double festes." † "Jours feriales."

(c) Gild of the Holy Trinity.*

License of mortmain, dated 23rd March, A.D. 1364.

After a long preamble, a license of mortmain is set out, bearing date 23rd March, 38 Edward III. (A.D. 1364), empowering the gild to hold lands and rents. The ordinances follow.

Two chaplains.

There shall be two chaplains.

Commemoration of the dead.

The bretheren and sisteren shall every year keep the feast of the Holy Trinity; and shall also commemorate the dead bretheren and sisteren, and the good-doers to the gild.

Help shall be given to those who are old, or who have met with mishap.

If any brother or sister of the gild becomes so feeble, through old age or through any worldly mishap, that he has not, and cannot earn, the means of living, he shall have such help, at the cost of the gild, that he shall not need to beg his bread.

The sick shall be visited, and shall be helped.

If any one falls sick, the bretheren and sisteren and their chaplains shall visit him, so as to know how he is, and they shall give him such help as is needed.

The poor shall be buried at the cost of the gild.

If any one is poor, and dies in poverty, he shall be buried at the cost of the gild.

Lands of the gild.

Lands and houses, worth x. marks a year, are held for the gild under license of mortmain; and other lands, houses, and rents, worth xij. marks vj.*s.* viij.*d.* a year, are now waiting for a license.

Early mass shall be said, so that men may hear it before going to work.

One chaplain is bound to say mass every day in the cathedral church of our Lady, before the Holy Cross, in the morning before sunrise; so that all people, rich and poor, may hear it, and then go their way to the day's work.

Almsmen of the gild.

The gild finds livelihood, every year, for two poor bretheren and one sister, who are unable to work for their living, at the yearly cost of iij.*li.* viij.*s.* vj.*d.*

[Tacked to the foregoing, is a fragment of the Return made by a Gild of St. John Baptist. The fragment does not contain twelve words; and it is only by the indorsement, which still remains entire, that the name of the gild by which the Return was sent up, can be known. It is, however, remarkable that, in another bundle of these Returns (CCCIX.), there is found one

* CCCVIII. 88. Condition, fair. Old French.

from the Gild of St. John Baptist of Coventry. It is in extremely bad condition: torn, dirty, and far otherwise than inviting. As it is unlikely that two gilds of the same name should have existed in one place, it seems probable that the latter Return has got torn away from its proper place, and that it is really the continuation of the small fragment now found tacked to the Return from the Gild of the Holy Trinity.*

Disjointed fragments of another gild-return from Coventry.

It has been already seen, by an illustration given under the Gild of Corpus Christi, York,† and will again be seen by an illustration given under one of the Exeter gilds, how confidently trust was put in the gilds, in order to assure the fulfilment of what private persons sought to have done after their own deaths. But an interesting illustration can be given, in the case of the Gild of the Holy Trinity of Coventry, of the same confidence placed in these gilds, and of what their chief officers were sometimes called on to fulfil, in matters of a very different kind.‡

Trust put in the good faith of the gilds.

The document to be now used in illustration of this state of facts, is too long to be given at full length. So much is given as touches the Master of this Gild of the Holy Trinity. To explain the matter, it must be stated that Edward Birmingham,

* As it may be suggestive of other restorations of disjoined fragments, I leave this paragraph as it was written. Several years ago, I made a complete Kalendar of all the Returns in all these bundles, noting the particulars and condition of each Return, as found in its place. The above paragraph was founded upon a comparison of these notes, as thus made while going through the separate bundles. Since it was in type, I have compared, at the Public Record Office, the two pieces here spoken of; and have found that they are, in fact, as above suggested, parts of one original Return, the torn edges of both exactly fitting together. On my showing the facts to the proper authorities, the parts have been joined together again, after a divorce of some centuries; and the entire Return, thus made intelligible, will be now found in Bundle CCCVIII., attached to the Return from the Gild of the Holy Trinity, as it was sent up in January 1389. A memorandum has been put on to the Return No. 127 in Bundle CCCIX., explaining the cause of the removal of the membranes 123—126 to their proper place in Bundle CCCVIII.

† Before, p. 143.

‡ The Masters of gilds were very often asked to become witnesses to charter deeds touching land. I have, among my own muniments of title to an old family estate, charter deeds to which the names of the Masters of both the old Birmingham gilds, with their official descriptions as such, are found among the witnesses.

the last, in the direct line, of an ancient family,* who were lords of Birmingham even before the incoming of William the Bastard, married, as his first wife, Margaret, daughter of Gerard Danett. She very soon died, leaving only one daughter, Anne. Edward Birmingham married, as a second wife, Elizabeth, daughter of "the ryght worshipfvll Sr Willm Lytleton, Knyght;" and thereupon he made a settlement in favour of his daughter Anne. This settlement is contained in a deed bearing date the 13th day of February, in the thirteenth year of Henry VIII. (A.D. 1522), between William Shelley, "Sergeaunt at the lawe," one of the trustees of the settlement made on the first marriage,† "onn the one partye," and "Edward Byrmyngham, of Byrmyngham in the countie of Warwyke, Esqer, onn the other partie." After recitals as to the former settlement, it is declared that the feoffees shall "stande and be seasyd of and in the sayd manor of Byrmyngham, and of and in all other landes and tenements, rentes, reuercions, seruices, and heredytamentes, whiche now be to the sayd Edward in possessyon or in vse wtin the sayd countye of Warr., as is aforesayd," to the uses following:—]

Settlement made in favour of a daughter, A.D. 522.

The Master of the Gild of Holy Trinity, Coventry, made receiver and keeper of income and accumulations under a family Settlement.‡

Lands in the Foreign of Birmingham vested in

That ys to say, of and in foure pastures lying in the foreine of Byrmyngham, called the Heybarnes, nowe in the teanure of

* The head of a younger branch of the same family went over to Ireland in the earliest days of English presence there, and did great service. He was created Lord Birmingham of Athenry A.D. 1178. The Earldom of Louth was afterwards added to the honours of the family. These titles have only lately ceased to be held by the lineal successors of this branch. The family is still extant in Ireland, in direct descent from this old stock; but no one seems, at present, to have taken steps to establish the claim to the ancient family titles. It is a costly thing to bring together all the proofs needed for establishing such ancient titles.

† The other trustees were, "the Rygh[t noble] lorde Thomas, Marques Dorcett, Sr Edward Belknape, Sr Robert Wetton, Sr Edward Grevile, Sr Edward fferrers, Knyghtes; Gerard Danett, Edward Wetton, Esquyres; Rauffe Wryne, and Rychard Harres." In the present deed, Serjeant Shelley represented the whole of them.

‡ Chapter House Miscellaneous Bag: Warwick, Bag I. No. 6. (In the

John Shyltone ; a medowe called the lake medowe, w^t a more therto adioyning called lake medowe more, in Byrmyngh^am aforsayd, nowe in the teanure of Humfre Holmann and Henry Dysonn : whiche sayd londes, tenementes, medowes, and pastures, parcell of the sayd manor of Byrmyngh^am, the sayd Edward Byrmyngh^am couen^antyth and grauntyth, by thes presentes, that they be of the clere yerlye value of eight poundes, xiij.*s.* iiij.*d.*, ouer alle charges ; and that the sayd feffies, and alle other persons that nowe be seasyd therof, shalle stande and be seasyd therof, and of euery parcelle thereof, to the vse of Anne, doughter of the sayd Edward and Margarett late hys wyffe, tyll the somme of one hundrethe poundes be leuyed and payd of the yerely reuenues and profytes therof, ouer and aboue alle charges of the receying and kepyng of the sayd money. Whiche somme of a c.*li.* shalbe receyued, of the proffites of the sayd landes, by thandes of Humfreye Symons and John Sheltone, or by thandes of any of them. And as the sayd profites and reuenues shalbe so yerly receyued of the sayd landes, to be delyuered into thandes and custodye of the maister or maisters of the yelde of the trynitye of Couentrye, vntyll the sayd somme of one hundrethe poundes be payd and leuyed. And so to remayne, to thuse of Anne, doughter of the sayd Edward Byrmyngh^am and Margar^t hys fyrst wyffe, towarde the preferment and maryage of the sayd Anne. But yt ys couen^anted and agreyd bytweene the sayd parties, that the sayd Humfrey Symons and John Sheltone, nor other heraft^r to be named or appoynted for the receying of the sayd rentes and profites, shalle receyue yerly, of the profites of the sayd pastures, mores, and medowes, but only tenne markes, tylle the sayd hundrethe poundes, ouer and aboue the charges of the receying and keping of the same, be leuyed ; and alle the resydue of the profittes, the sayd Edward Byrmyngh^am shalle haue to his owne vse. Alsoe yt ys

feoffees, to secure the raising of moneys for the daughter of Edward Birmingham by his first wife.

Two collectors shall gather in the profits of the lands,

and pay the same into the hands of the Master of the Gild of the Trinity of Coventry.

Whatever in the profits so collected exceeds ten marks a year and the necessary charges, shall be paid over to Edward Birmingham.

Public Record Office.) The Master of a Coventry gild was fixed upon for this purpose, for the obvious reason that the Master of one of the Birmingham gilds might be thought likely to be swayed by the attachment felt, on the spot, for the Birmingham family. No one could raise such an objection to the Master of a Coventry gild.

If the collectors die, others shall be named.

agreyd bytwene the sayd partyes to thes indentures, that yff yt happene the sayd humfre Symons and John Sheltone, or anye of them, to decesse, that than the sayd Willm, and Marye Danett, widowe, grandemother to the sayd Anne, or one of theme, or the executors of eny of theme, or the executors of the executors of eny of theme, shalle name and appoynte two other persons to receyue the sayd tene markes, to thuse and intente afore specyfied. Also yt ys couenanted and agreyd bytwene the sayd partyes, that yf the maister or maysters of the yeld of Couentrye aforsayd will not receyue and haue the custodye, yerlye, of the sayd tene markes, to thuse of the sayd Anne, thane the sayd money to be payd to suche place or places, person or persons, as by the sayd Willm Shelley and Marye Danett, or by there executors, or by the executors of one of theme, or by the executors of the executors of theme or eny of theme, shalbe thought most mete and conuenyent for the salue custody therof. [After further provision made for Anne, under various contingencies, including the death of her father, the deed continues:—] And yff yt happene the sayd Anne to dye before her maryage, and after the sayd some of c.*li.* or eny parcelle therof leuyed, that thane the sayd maister or maisters of the sayd yelde, or suche persone or persons as shalbe appoynted to haue the receyte of the sayd somme and sommes of money, yf the hole somme, or eny parte or parcelle therof, thane be or remayne in ther handes, shalle redelyuer the sayd some of c.*li.*, and euery suche parte or parcelle therof as shalbe leuyed and gatheryd at the tyme of the dethe of the sayd Anne, ouer and aboue the charges of the receying and kepyng of the same, vnto the handes of the sayd Edward Byrmyngham, or vnto the sayd Elizabethe nowe hys wyffe, yf she be longer lyuer.

If the Master of the Gild at Coventry will not receive and keep the moneys, some other safe custody must be found.

If Anne Birmingham dies before marriage, the Master of the Gild (or other) shall pay over what he has in hand to Edward Birmingham, or to Elizabeth his wife.

XIII.

BIRMINGHAM.

(*a*) Gild of the Holy Cross.

[The history of this gild is specially instructive. It has already been seen that there was a Gild Merchant in Beverley, which seems to have included the whole of the townsmen. In Winchester and in Worcester, as will be seen from documents printed in Part III. of this volume, there were Gilds Merchant, which seem also to have included the whole of the townsmen. In Coventry there was a Gild Merchant, the Return from which seems to assume that it was intended to be a general gild of the citizens, although, in point of fact, there were several other gilds in that city. In the case of Berwick-upon-Tweed, it will be found that a number of "Particular Gilds" were merged into one "General Gild" for all the town. But in none of these cases are we able to know the circumstances under which the gild was first brought into being; nor can we find whether it was (as has been heretofore alleged), a matter of course, and not merely an incident, that a gild which embraced a whole town should be called a "Gild-Merchant." In the case of the Gild of the Holy Cross of Birmingham, we are able to trace every step of its beginning, and to see that, while its establishment was the deliberate work of the whole town, and that it was thoroughly carried out for the good of the whole town, it was yet not a "Gild-Merchant."

The records from which the story of the foundation of this gild is learned, illustrate in a striking manner the true and practical constitutional principles which, long ages ago, found their home in England: of which the fundamental basis was, that, in a sound political society, the men who make it up

must be trusted; and that the men of every neighbourhood must best understand their own affairs, and ought to be held bound to fulfil their duties to their neighbours.*

I now give translations of the two records which show the beginning of this gild. The first of these states some earlier facts, while setting on foot, by the Writ called the "Writ *ad quod damnum*," an inquiry, on the spot, by men of the neighbourhood. The second gives such authority as the very limited power of the Crown enabled it to give, for the endowment of the gild; and which proposed endowment it was that made a license of mortmain necessary.]

(1) WRIT FOR INQUIRY, TO BE MADE BY A JURY ON THE SPOT, TOUCHING THE PROPOSED FOUNDING OF THE GILD.†

Writ *ad quod damnum*, issued 10th July, A.D. 1392.

Richard, by the grace of God, King of England and France and Lord of Ireland, to our well beloved Thomas Raleghe, our Escheater in the County of Warwick, Greeting. Whereas, on the twenty-fifth day of October, in the sixth year of our reign, by our letters patent, we granted license to Thomas Sheldone, since dead, and to John Colleshulle, John Goldsmythe, and William atte Slowe, Burgesses of Bermyngeham, enabling them to give and assign certain lands, tenements, and rents, not held of us in chief, in Bermyngeham and Egebaston, worth twenty marks a year, to two chaplains, for the celebration of divine service in

A former license of mortmain is recited, under which chaplains were to be endowed.

* In our days, instead of the responsibility being felt by the men of every neighbourhood to fulfil all that the welfare of the neighbourhood requires, *doctrinairism* has superseded the constitutional life of the people by an array of costly "Commissioners" and "Inspectors," who assume to dictate to men everywhere what they are to do. Hence, the most modest statement of the simple but sound principles that form the basis of the English constitution, bewilders many. No greater misfortune can overtake a State than when, as now in England, the noblest branches of knowledge and study, and those most vital to a free people,—namely, the knowledge and the study of the Institutional Life and of the Constitutional History of the State,—are neither taught nor cared for in schools, colleges, or universities. The material for this knowledge and study is richer in England than anywhere else in the world. Some further illustrations of it will be found in Part III. of this volume, and in the Introduction.

† Translated from the original, which is in the Public Record Office; but it is, oddly enough, there put among the *Inquisitiones post mortem*.

the church of St. Martin of Bermyngeham, to the honour of God, the blessed Mary his Mother, the Holy Cross, St. Thomas the Martyr, and St. Katherine; to be held by the said Chaplains and their successors for ever; as in our letters patent aforesaid is more fully set forth.* And now the Bailiffs and Commonalty of Bermyngeham have prayed us that, instead of those letters patent, which have never, they say, taken effect, we will, for us and our heirs, grant license that they may make and found, in honour of the Holy Cross, a Gild and lasting brotherhood of bretheren and sisteren among themselves in the said town, to which shall belong as well the men and women of the said town of Bermyngeham as men and women of other towns and of the neighbourhood who are well disposed towards them: And that they may make and ordain a Master and Wardens of the said Gild and brotherhood, who shall have rule and governance over the same: And that they may make and found there a chantry, with chaplains to celebrate divine service in the church of St. Martin of Bermyngeham: And that they may do and find there other works of charity, for our welfare and that of the Queen, and for the bretheren and sisteren of the said Gild and brotherhood, and for all good-doers to them, and for their souls' sake and those of all Christians, according as the ordering and will of the said Bailiffs and Commonalty shall appoint in that behalf: And moreover, that we will, for us and our heirs, grant license to the said John Colleshulle, John Goldsmythe, and William atte Slowe, that they may give

That license never took effect.

The Bailiffs and Commonalty of the town propose to found a gild instead,

with a Master and Wardens,

and chaplains.

Works of charity shall be done, according to the ordering and will of the Bailiffs and Commonalty.

* The reason why the letters patent of 6 Richard II. never took effect, is not hard to find. Wyclif and Piers the Ploughman were then abroad in the land, in the immediate neighbourhood of Birmingham. A chapel had been built in Deritend (see after, p. 258), in which it is very remarkable that no provision was made for any chantry, or for any services for the dead. The original letters patent of 6 Richard II. contained the clause, always inserted in such cases, that the license could not be availed of until the scheme had been approved after full and open inquiry made by the men of the neighbourhood. This seems to have been found hopeless, so long as the endowment was intended to be limited to formal church services. It redounds much to the honour of the endowers, that they consented to merge their original scheme in the larger work of a gild of the whole town.

A license of mortmain is prayed, in aid of these purposes.

and assign, to the said Master and Wardens, eighteen messuages, three tofts, six acres of land, and forty shillings of rents, with the appurtenances, in Bermyngeham and Egebaston, to have and to hold to the said Master and Wardens, and their successors, Masters and Wardens of the said Gild and brotherhood, to enable them to find two chaplains to celebrate divine service in the church aforesaid, and to find other works of charity for ever, according to the ordering and will aforesaid; such lands, tenements, and rents, not to be any that are held of us in chief.

But it must be known whether this can be done without harm to any one; also, of whom the lands are held, and their value, and who are the middle lords;

Now we wish to know whether or not we can fulfil this prayer without harm or danger to us or to others; and, if it be to the harm or danger of us or others, to what harm and what danger, and to whose harm or danger, and how and whence; and further, of whom the said messuages, tofts, lands, and rents, are held, and by what service, and what kind and manner of service; and how much the said messuages, tofts, and lands, are yearly worth, according to the true value of the same; and who and how many are the middle lords of those messuages, &c., between us and the aforesaid John Coleshulle, John Goldsmythe, and William atte Slowe; and what lands and tenements will remain to the said John Colleshulle, John Goldsmythe, and William atte Slowe, after the proposed gift; and where and of whom these are held, and by what service, and what kind and manner of service, and how much they are yearly worth: And whether the lands and tenements remaining to the said John, John, and William, after the proposed gift, will be enough to fulfil the customs and services which are bound to be rendered, as well in respect of the messuages, tofts, lands, and rents proposed to be given, as in respect of the other lands and tenements which will be kept by the givers; and also to meet all other burdens which it belongs to the holders thereof to bear, —such as suits, views of frank-pledge, aids, tallages, watches, fines, redemptions, amerciaments, contributions, and all other charges whatsoever incident thereto: And whether the aforesaid John, John, and William will still be liable to be put on assizes, juries, and all other recognisances whatsoever, the

and what other lands the givers have;

and whether, after the gift, the givers will have enough left to bear all the charges incident to both the land given and what will be left;

same as their ancestors have heretofore been:—So that, through the proposed gift, and in default of the givers, the neighbourhood may not become charged or burdened more than has been wont.* We therefore command you that, upon the oath of good and law-worth men of your bailiwick, by whom the truth of the matter may be able to be the better known, you do forthwith make Inquisition† touching all that is aforesaid; and that, without delay, you do send the same, clearly and openly taken, into our Chancery, with the seals put thereto of yourself and of those by whom it shall be made: and therewith send this writ. Witness myself at Nottingham, on the 10th day of July in the 16th year of our reign.

so that the neighbourhood shall not become more heavily charged than before.

Let a jury be summoned, and make inquisition as to all these things.

[The jury having made the inquisition on the Saturday next after the feast of St. Peter *ad vincula* (1st August) in the same year,‡ say that the establishment of the gild will not bring harm or danger to any one; and that neither will the proposed License of Mortmain bring harm or danger to any one. They say through what middle lords the lands, &c., proposed to be given, are held. A statement is added of the other property in Birmingham belonging to the givers; and the jury say that this property will be enough, after the proposed gifts have been made, to meet all charges, customs, and services, due both from the lands, &c., proposed to be given, and from what the givers will still hold; that the givers will still be liable to be put on juries, &c.; and that thus the neighbourhood will not, by reason of the proposed gift, become more heavily charged or burdened than has been wont. Thereupon, the following License of Mortmain was granted:—]

The inquisition is duly made.

* The original words of this most significant clause are,—"Ita quod patria, per donacionem et assignacionem predictas, in ipsorum Johannis, Johannis, et Willelmi defectum, magis solito non oneretur seu gravetur." Every owner of land holds it, under the English constitution, subject to several obligations; and he cannot be allowed to be sentimentally generous, if the so doing will throw more obligations on his neighbours. "Patria," in such cases as this, must be translated as "neighbourhood."

† The word "inquisition" here means, not only the fact of an inquiry clearly and openly made, but the further fact of putting the result of this inquiry into writing.

‡ The original is fastened to the Writ. See before, p. 240.

(2) Letters Patent and License of Mortmain, upon the foundation of the Gild of the Holy Cross.*

License given to found the gild, and to hold lands in mortmain, on 7th August, A.D. 1392.

The King to all, &c., Greeting. Know ye, that whereas on the 25th October in the sixth year of our reign, by our letters patent, we granted license to Thomas Sheldone, now dead, John Coleshulle, John Goldsmythe, and William atte Slowe, Burgesses of Bermyngeham, enabling them to give and assign certain lands, tenements, and rents, with their appurtenances, in Bermyngeham and Egebaston, not held of us in chief, and worth xx. marks a year, to two chaplains, for the celebration of divine service in the church of St. Martin of Bermyngeham, to the honour of God, the blessed Mary his mother, the Holy Cross, St. Thomas the Martyr, and St. Katherine; to be held by the said chaplains and their successors for ever; as in those letters patent is more fully set forth:—Now, in consideration of our said letters patent, which have never, as is said, taken effect, and which the Bailiffs and Commonalty [of Bermyngeham] have sent back into

The former license is cancelled.

our Chancery to be cancelled, and upon the prayer of the Bailiffs and Commonalty themselves, and for fifty pounds which they have paid to us, we do, for us and our heirs, so far as in us lies, grant and give license to the said Bailiffs and Com-

License is given to found the gild,

monalty, that they may make and found, in honour of the Holy Cross, a Gild and brotherhood of bretheren and sisteren among themselves in that town, to which shall belong as well the men and women of the town of Bermyngeham as men and women well disposed in other towns and in the neigh-

with Master and Wardens, &c.;

bourhood; and that they may make and ordain a Master and Wardens of the Gild and brotherhood, who shall have rule and governance over the same; and may make and found a chantry, for the celebration by chaplains of divine service in the church of St. Martin of Bermyngeham; and may do and find other

and to do works of charity;

works of charity, for our welfare and that of the Queen, and for the bretheren and sisteren of the said Gild and brother-

* Patent Rolls, 16 Richard II. p. 1, m. 15.

hood, and for all good-doers to them, and for their souls' sake and those of all Christians, according as the ordering and will of the said Bailiffs and Commonalty shall appoint in that behalf. And further, we grant and give license, for us and our heirs, to the said John Coleshulle, John Goldsmythe, and William atte Slowe, that they may give and assign to the said Master and Wardens eighteen messuages, three tofts, six acres of land, and forty shillings of rent, with the appurtenances, in the said towns of Bermyngeham and Egebaston, which are not held of us, to have and to hold to them and their successors, Masters and Wardens of the said Gild and brotherhood, to enable them to find there for ever chaplains to celebrate divine service, and to do other works of charity for ever, as aforesaid, according to their ordering and will. And we grant our special license to the same Master and Wardens that they may take the messuages, land, and rents aforesaid, with the appurtenances, from the aforenamed John, John, and William, and hold them, to themselves and their successors, finding thereout chaplains to celebrate divine service in the church aforesaid, and doing other works of charity, for ever, according to their own ordering and will as is before said; the statute against putting lands in mortmain notwithstanding;* desiring that neither the aforesaid John, John, and William, nor their heirs, nor the said Master and Wardens nor their successors, shall, by reason of that statute, be charged, troubled, or in any way made to suffer, either by us or our heirs, or by any Justices, Escheators, Sheriffs, or other Baillifs or Ministers whomsoever, of us or our heirs: Saving however, to the chief lords of the fee, the services due and accustomed. Witness, &c. Given at Molton, on the 7th day of [August†].

and to hold lands in mortmain.

* The Statute of Mortmain (see before, p. 195, note) enabled any middle lord, or, in his default, the Crown, to enter on lands given in Mortmain, and to treat them as forfeited. It followed, that the direct consent of every middle lord, as well as of the Crown, became necessary in every such case. But, this consent being given, after full local inquiry as above seen, the Crown and the middle lords were all alike estopped from claiming their right to enter on the lands as forfeited. See before, p. 226, note.

† In the copy of this license entered on the Roll, the word is written

[The gild thus well begun, soon showed its active life. The ordinances made by it are not known to exist in any written shape; but other means remain of getting some knowledge of the work it did. Some leases granted by it are still extant; from which we learn that, whatever authority was entrusted to the Master and Wardens, the "assent and consent" of the bretheren and sisteren of the gild were necessary to all business transactions of any importance.* And by the same means we know that this gild had a common seal, which bore the following legend:—

The assent of bretheren and sisteren was necessary to all leases, &c.

Common seal of the gild.

Sigill': comune: gylde: sancte: crucis: de: bermyngeh'm

that is,—"The Common Seal of the Gild of the Holy Cross of Birmingham."†

Records touching the Gild.

Besides these direct remains of the gild itself, there are, in the Public Record Office, many original documents which enable us to know the details of the property, and not a little of the useful activity, of this gild, as well as the special fact that it built a public hall for the use of the town, which was called indifferently "the Town-hall" and "the Gild-hall." Enough of these documents shall be now set forth to give a general view of the character of the gild:—]

July, but is plainly a mistake of the scribe. See before, p. 243. Most of the letters patent copied on the same membrane as this, and on the membranes that come before and after it on the Roll, bear the date of August.

* This was probably so in the case of most gilds possessing estates. The terms used in these leases are as follows (for example):—"Willielmus Rydware, magister Gilde sancte Crucis de Bermyngeh'm, ffratres et sorores eiusdem Gilde, de vnanimi assensu et concensu, tradiderint," &c. The lease from which this is taken is in my own possession, and bears the date of A.D. 1426. Another lease, bearing the date of A.D. 1437, has lately been found by Mr. Joseph Hill, managing clerk to Messrs. Best and Horton, well-known solicitors in Birmingham, which those gentlemen have been good enough to place in my hands, and in which I find the same terms of assent and consent. To this lease is also attached an impression of the seal of the gild, which is in better condition than any other which I know of. The woodcut of the gild-seal which will be found at the end of the extracts here given as to this gild, is taken from this impression (see p. 250).

† Birmingham is one of the not very numerous places in England that still keeps a name identical in sound, and almost identical in spelling, with what is found written in Domesday Book. There is little doubt that the old first syllable "Berm" is more correct than the modern "Birm."

(3) Report of the Commissioners of 37 Henry VIII.*

Gilda sancte crucis de Birmyngh^{a}m.

[The yearly income, from rents, &c., is set down in detail; and amounts to]..... } xxxj.*li.* ij.*s.* x.*d.* — Income of the Gild.

[The yearly outgoes are also set down in detail; and amount to] ..... } xxix.*li.* xx.*d.ob.* — Outgoes of the gild.

Et remanet clare per annum ..... xlj.*s.* j.*d.ob.*

The seyd Gylde was ffounded by Thomas Sheldone and other, in the xvjth yere of Kyng Edwarde the seconde,† to ffynd certayne prestes to syng dyvyne seruyce in the par[i]she Churche aforseyde for euer; And to praye ffor the soules of the same ffounders.‡ And in the same towne of Byrmyngh^{a}m there be M.^{1} M.^{1} houselyng peaple. And, at Ester tyme, all the prestes of the same Gilde, w^{t} dyuers other, be not sufficient to mynyster the sacramentes and sacramentalles vnto the seyde peaple. Also, there be dyuers pore peaple ffounde, ayded, and suckared, of the seyde Gylde, as in money, Breade, Drynke, Coles; and, whene any of them dye, thay be buryed very honestlye at the costes and charges of the same Gilde, w^{t} dyrge and messe, acordyng to the constitucyons of the same Gilde. And there hathe bene no landes nor tenementes solde sythene the tyme

Mis-statement as to the foundation of the gild.

2000 houseling people in Birmingham.

Great resort to church at Easter.

Works of charity done by the gild, in finding money, bread, drink, and coals.

* Certificates of Colleges, Warwick, No. 31.

† It has been already shown (before, p. 197, note) how worthless are any historical facts alleged in these certificates. The reader has, in this case, the demonstration before him, the original license of mortmain of 16 Richard II. having already been set out. Yet this certificate alleges the foundation as having been in 16 *Edward* II.; while, to carry the absurdity further, the next certificate alleges it to have been in 16 *Henry* II. Such is the reliance to be placed, in old times as in modern, upon "official reports."

‡ There is nothing in any of the documents touching the foundation of this gild as to praying for the souls of the founders. The divine service to be celebrated is stated, in this Report itself, a few lines lower down, to have consisted in "ministering the sacraments and sacramentals." It is indeed true, as is proved by this and the next following Report, that "*works of charity*" were considered to be helpful to the souls of the founders. (See before, pp. 241, 245.) The endowment of William Lenche has the same words. See after, p. 253.

before lymyted. And the Inventory of the goodes and ornamentes to the same belonging, here-after dothe appere.

[But no such inventory does appear.]

(4) Report of the Commissioners of 1 Edward VI.*

Further misstatement as to the foundation of the gild.

The Guilde of Briminch^a^m was ffounded by one Thomas Sheldon and other, in the xvj^th^ yere of king Henrye the Seconde;† and incorporate, by the name of M^r^ and Brethern of the guilde of tholye Crosse in brymyncham, ffor the maintenaunce of certein priestes; whereunto belonge landes and

Income of the gild.

possessions to the yerelye value of xxxij.*li.* xij.*s.* v.*d.* prima facie: wch are nowe, and have bene of longe tyme, conuerted as well to dedes of charyte and to the commen-welth there, as hereafter shall appere ..... xxxij.*li.* xij.*s.* v.*d.*

Whereof,—

Outgoes of the gild.

In Rentes Resolute, as well to therle of Warrwick as to diuers other, going owte of the premisses, lv.*s.* x.*d.ob.q^r^*; In stipendes of priestes and other ministers of the churche, xx.*li.* vj.*s.* viij.*d.*; In ffees and annuytes, lx.*s.*; ffor bread and wyne ffor the churche, xx.*s.*; ffor keping the Clocke and the Chyme, xiij.*s.* iiij.*d.*; And in allowance ffor Reparacions of the same possessions, consisting moste parte in tenementes, communibus annis, iiij.*li.* In all ..... xxxj.*li.* xv.*s.* x.*d.ob.q^r^*.

So Remains ..... xvi.*s.* vi.*d.q^r^*.

Plate and jewels

Plate and Jewells to the same guilde belonging; viz., three chalices of silver, waying xxiiij.*oz.*, and a nutte wth a cover, waying iiij.*oz.*; in all } xxviij. *oz.*

Whereof, ij. chalices, waying xvj.*oz.*, are left ffor Adminis ....

Household stuff.

Goodes, Ornamentes, and howsholld stuffe, are praysed at ..... } xlj.*s.* viij.*d.*

Works of charity,

Theare be relieved and mainteigned uppon the same pos-

* Certificates of Colleges, Warwick, No. 53.

† See the note † on the foregoing page.

sessions of the same guilde, and the good provision of the Mr and bretherne thereof, xij. poore persones, who have their howses Rent free, and alle other kinde of sustenaunce, as welle ffoode and apparèlle as alle other necessaryes.* in help of the poor,

Allso theare be mainteigned, wt parte of the premisses, and kept in good Reparaciouns, two greate stone bridges, and diuers ffoule and daungerous high wayes; the charge whereof the towne of hitsellfe ys not hable to mainteign; So that that[1] the Lacke thereof wilbe a greate noysaunce to the kinges maties Subiectes passing to and ffrom the marches of wales, and an vtter Ruyne to the same towne,—being one of the fayrest and moste proffittuble towne[s] to the kinges highnesse in all the Shyre. and in the repair of bridges and highways.

[1] (*sic.*)

Staying the good works of the gild will be ruinous to this fair town.

The said Towne of Brymyncham ys a verey mete place, and yt is verey mete and necessarye that theare be a ffree Schoole erect theare, to bring vppe the youthe, being boathe in the same towne and nigh thereaboute.† A free school should be erected in the town.

Howselinge people in the same Paroche of Brimyncham...M.DCCC. Houseling people.

[From details given in the foregoing and other documents in the Public Record Office, I find that fees were every year paid by the gild to an organist, to a gild-clerk, to the keeper of the house and gardens of the gild, and to the Wardens of the gild; while houses belonging to the gild were allowed to be occupied, rent free (in return, no doubt, for services habitually done to the gild), by a woman described as "the commen midewyffe," and by a man described as "le Belman."‡ Fees paid to various officers of the gild.

* In another of the Certificates of Colleges (Warwick, No. 57), I find the following, as to the alms-houses in possession of this gild:—

"*The poore.* M^d., there are ffoure Tenementes, Called the Almes-houses, allowed To diuers poore men and women, late of the sayd guilde, Rent fre. And allso diuers other Tenementes, which are not above charged, amounting to the yerelye Rent of xliiij.*s.* iij.*d.*, are lykewyse allowed to diuers other poore people in the same towne."

† The circumstances attending the foundation of the Free School in Birmingham will be found stated in the Introduction, in illustration of the course taken after the legislative plunder of English gilds.

‡ It must be understood that what has been cited is by no means all that remains as to this gild. But, it having been shown that the gild was begun by the body of the townsmen, in their corporate capacity and by their cor-

It is important to a thorough understanding of the position of true *Town Gilds*, such as was the Gild of the Holy Cross of Birmingham, to have it remembered that their action was, in every sense, identified with the whole town. In many cities and towns in England (including the City of London), the "Gild Hall" and the "Town Hall" are still one and the same thing. It was so in Birmingham before the iniquitous plunder of the gilds which took place in the time of Edward VI. The formal description of the building, in many documents in the Public Record Office, is, "*le Towne Hall, alias dict' le Guilde Hall.*" But this fact, and all the "works of charity" done by the gild, availed nothing to stay the ruthless rapacity of hungry courtiers. A remarkable, and, so far as I know, a unique instance of survival, notwithstanding this rapacity, is found in the fact that a body which was called into existence to do the same sort of "works of charity" as were done by this gild, escaped the hand of the spoiler at this time, through (as it seems) the saving of the life-interest of the founder's wife; and it has come down to our own times, still doing, in Birmingham, the "works of charity" which the old Gild of the Holy Cross was accustomed to do more than four hundred years ago, "according to the ordering and will of the Bailiffs and Commonalty" of the town. The curious facts as to the thus happily saved relic of the old gilds of England, will be found next following.]

The "Gild Hall" and the "Town Hall" one and the same thing in Birmingham.

Description of this building in old records.

Neither this identification with the town, nor the works of charity done, saved the gild.

The Seal of the Gild of the Holy Cross, Birmingham.

porate name, and it having been further shown, upon the admission of those who were set to make out a case against the gilds, that this gild fulfilled important public works, it is unnecessary to extend the citations.

(*b*) GILD COMMONLY CALLED "LENCHE'S TRUST."

[This Gild is a direct off-shoot of the Gild of the Holy Cross. An endowment was put into the hands of feoffees, who were, after the death of the founder's wife, to do the same sorts of "works of charity" as the Gild of the Holy Cross was established to do, "according as the ordering and will of the Bailiffs and Commonalty shall appoint." Had this endowment been merged in the gild, it would have been lost to the town.* Special endowment for works of charity.

Many instances have already been given of the foundation, as well as the endowment, of gilds by one or more persons. In several cases it has been seen that, though the property was used towards the purposes of the gild, it remained still in the hands of persons generally called "feoffees," and was subject, in fact, to their disposition; and that, sometimes, no license of mortmain was, through whatever cause, obtained for many years, perhaps never.† The present is another case, though happily a more lasting one, of this kind. Such endowments of gilds were very common.

One William Lenche, living in Birmingham at the end of the fifteenth and beginning of the sixteenth centuries, and the owner of lands there and in the neighbourhood, wished, being The facts of this endowment.

* No doubt the feoffees of William Lenche carefully avoided using the name of "Gild," after the legislative plunder which had befallen the bodies so called. But for this, the "Trust" would assuredly have soon been called a "Gild." There is, in the British Museum, among the Harleian MSS., a curious instance of a body of feoffees formed, as far as can be made out from wills and ordinances, under circumstances very much like those of Lenche's Trust. But these feoffees having unfortunately been in too great a hurry to call themselves a "gild," they fell, with the others, on the hapless day of the massacre of the gilds and the plunder of their property. This case happened in Bury St. Edmund's.

† Two marked instances of this will be found in the cases of the Gild of SS. Fabian and Sebastian, Aldersgate, London (before, pp. 12, 13), and of the Gild Merchant of Coventry (before, pp. 226 note, 231). In each case the independence of the feoffees is expressly admitted on the face of the Return. Numerous other illustrations of the same thing could be given. In such cases, if no license of mortmain was got, as well from the Crown as from all the middle lords, before the year 1547, the feoffees may, by skilful tact, have saved their trust from the general plunder. But I do not know of any other case in which this happened than that of "Lenche's Trust."

childless, to follow the example of the first endowers of the Gild of the Holy Cross. But he wished, at the same time, to assure to his wife, while she lived, the income from his estate. So, instead of getting licenses in mortmain to enable him to vest his lands in the Gild of the Holy Cross, he made a deed of feoffment, vesting them in persons therein named; but requiring these feoffees to pay the income to his wife while she lived, and afterwards to apply it to identically the same "works of charity" as it has been seen that the Gild of the Holy Cross charged itself with fulfilling.*

Inquisition and decree in A.D. 1628.

The original deed of feoffment still exists, together with the declaration by William Lenche of his intentions. In 1628, an Inquisition was made under the Statute of 43 Elizabeth, cap. 4. This inquisition was made on the spot, by a jury of the indwellers of Birmingham, to learn what had been done in the matter of Lenche's endowment. The inquisition was duly made and recorded, in the same manner as the inquisition had been made and recorded before the founding of the Gild of the Holy Cross itself. A Decree followed upon that inquisition, which reaffirmed the purposes of the original endowment. From these documents and records, the purposes and ordinances of this relic of the old English gilds become plainly learned.]

(1) Declaration of the intent of the feoffment of Lenche's Lands.†

Original declaration, by William Lenche, of the intent of his endowment; dated 11th March, A.D. 152⅝.

Md., the xjth day of marche, in the xvij^{te} yere and rayne of oure soueraynge lorde kynge henry þ^{e} viijth, that this ys the laste wylle and Entent of Wylliam lenche, of Byrmyngh^{a}m, vppon hys dede of feoffement, Datyd the day of the makynge of this present wrytynge, made vnto John shyltone, of byrmyngh^{a}m aforeseide, Rycharde Swyft of the same, Roger redhylle, and other

* That this was so, is made certain by the deed of re-feoffment of 1540; which expressed, in terms, the precise intentions of the endower, after the wife's death. (See after, pp. 255, 256.)

† From the original in the possession of Mr. Charles Best, as Solicitor to "Lenche's Trust." I am indebted to that gentleman and to Mr. Arthur Ryland (lately Bailiff of the Trust) for the opportunity, with consent of the feoffees, of making use of these original documents.

moo, as more playnly dothe apeyre in the same dede, of, in, and Appon, all his landis and tenementis lyinge and beynge w^tin the lordshippis of byrmyngh^am, Bordysley, Aston, Dudston, Salteley, Nechellis, and lyttyll bromwyche, w^tin the Cowntye of Warwyke. ffyrst, I the seyd Wylliam lenche wyll, that the seid feoffes shall stande Seasyde of, in, and Appon, alle my landys afore-seide, w^t ther appurtenauncis, to the vse of me the seid Wylliam lenche, and Agnes my wyffe, dewrynge oure lyvys, and the lenger lyuer of vs: And, after the decesse of me the seid wylliam lenche and Agnes my wyffe, I Wylle þ^t my seide feoffes shalle stande seasyd in ffee of the premyssis, to ther vse and profettis of the same, to dystrybute in Warkis of Charyte, for the heylthe of the forseid wylliam lenche sowlle and Agnes his wyffe.*

After death of Lenche and wife, the feoffees to hold the lands, to do works of charity, for the souls' health of Lenche and wife.

NOTE.—It will strikingly illustrate some points closely connected with the history of English gilds, as touched on in the Introduction, if William Lenche's separate disposition of his personalty, by will, is here added. It is as follows:—

"IN THE NAME OF GOD, AMEN. In the xxiiij. daie of the monethe of Marche, In the yere of our Lorde god m^l.v^c.xxv., I, William Lenche, being of hool mynde, make my testament, in maner folowing: ffirst, I bequethe my soule to allmyghty god, our blessid lady seynt mary, and all the holy company of heven; my body to be buried w^tin the chirche of seynt marteyn of Byrmyncham. Also, I bequethe to the Raperacoun of the saide chirche, for my sepulture, vj.*s.* viij.*d.* Also, I bequethe to euery preste present at the daie of my burying, vi.*d.*; And other Clerkis and mynestris after the vse. Also, I bequethe to seynt mary house of Coventre, xij.*d.* Also, I bequethe to seynt Chad of Lichefeld, xij.*d.* Also, I bequethe to the highe Aulter of Byrmyncham, for my tithis forgoton, ij.*s.* Also, I

Will of William Lenche, dated 24th March, A.D. 152$\frac{5}{6}$.

* The deed of feoffment, to which the above is fastened, has, since 1628, undergone a strange mutilation, the object of which it is impossible to understand. The names of two of the original feoffees, as written in the deed, and which remained there until after 1628 (for they are stated in the inquisition taken in that year), have been scratched out. As several feoffments had then already taken place since the date of this deed, this mutilation was a mere act of wanton mischief. It could in no way affect the title.

will that my obite be obserued euery monethe in the yere folowing after my decease: for euery obite, to prestis and clerkis, iiij.*s.* **Also,** I bequethe to the Reparacion of the pa[ve]mentis of Egbaston streete, iij.*s.* iiij.*d.* **Also,** I bequethe to euery of my god-childern, iiij.*d.* **Also,** I bequethe to John Shiltone, vj.*s.* viij.*d.* **Also,** I bequethe to Richard Swyft, vj.*s.* viij.*d.* **Also,** I bequethe to William Symondis, vj.*s.* viij.*d.* **Also,** I bequethe to Roger Redhill, vj.*s.* viij.*d.* **Also,** I bequethe to John Hipkis, vj.*s.* viij.*d.* **Also,** I bequethe to euery of my ffeoffees, xij.*d.* **Also,** I bequethe to William Payntone, my seruaunt, xx.*s.* **Also,** I bequethe to Roger Hawkys, my seruant, xx.*s.* **Also,** I bequethe to William Egynton, vj.*s.* viij.*d.* **Also,** I bequethe to John Bownell, vj.*s.* viij.*d.* **Also,** I bequethe to Agnes Swapston, iij*s.* iiij.*d.* **Also,** I bequethe to Margret Varnam, iij.*s.* iiij.*d.* **The** Residue of all my goodis, my dettis paid and this my testament fulfillid, I give and bequethe to Agnes Lenche, my wife; **Whom** I ordeigne, constitute, and make, my soole Executrice. **And** I make my supervisors, Humfray Symondis, gentilman; Thomas Norres, preste; William Segwyke; and Roger ffoxall. And I bequethe to Humfray Symondis, for his labor, xx.*s.* **Also,** I bequethe to Sir Thomas Norres, for his labor, xiij.*s.* iiij.*d.* **Also,** I bequethe to William Segwyke, for his labor, vj.*s.* viij*d.* **And** to Roger ffoxall, for his labor, vj.*s.* viij.*d.* **Theis** witnesith:—Sir Thomas Norres, Curat off Byrmyncham; Sir Thomas Commerbache, Chapleyn; George Gullson; And other."

This Will shows that the endowment put by William Lenche into the hands of feoffees, for doing "warkis of charyte" in the town, was no piece of vanity, nor in neglect of social duties. In this Will he bears in mind, not only the offices of the Church, but all his friends and connections, and even the feoffees themselves, while he leaves a sum (not a trifle in those days) for the doing, immediately, in one street, what the endowment was intended more largely to help in doing, after his wife's death, throughout the town.

Probate of this Will was granted, on 27th June, A.D. 1526, in the joint names of Cardinal Wolsey and Archbishop Warham.*

The Works of Charity to be done under this endowment, were of the same kind as those done by the gild of the Holy Cross.

[The words "warkis of charyte," used in the above declaration as to Lenche's lands, are the same as what are used in the writ for the inquisition *ad quod damnum*, and in the license of mortmain, touching the foundation and endowment of the Gild

* Cardinal Wolsey is thus described:—"Thomas, miseracione diuina, tituli sancte Cecilie sacrosancte Romane ecclesie presbiter Cardinalis, Eboraci Archiepiscopus, Anglie Primas et Cancellarius, Apostoliceque sedis eciam de latere Legatus."

of the Holy Cross.* It has been seen that, as matters of fact admitted even in the Certificates of Colleges themselves, the "works of charity" done by that gild were in the shape of (1) repairing bridges and highways, and (2) maintaining almshouses and giving other help to the poor.† William Lenche, while assuring an income to his wife so long as she survived him, sought the same objects. His wife surviving him for some years, the first formal statement of the practical application of this foundation towards "works of charity" in the town, was made on the 29th March, 1540; which was made, it cannot be doubted, in express fulfilment of his known intentions. The master of the Gild of the Holy Cross was, at the same time, named one of the feoffees. It will be seen that the following ordinances, which still remain the laws binding upon this "last of the gilds," are identical in character and spirit with many of those older ones which are included in the Returns made in 1389:—]

(2) The Ordinances of the Gild.‡

Ordinances in the deed of 29th March, A.D. 1540.

[It was found, upon the *Inquisition*, that, in the deed of feoffment of 29th March, 1540, it is stated that the purposes of the endowment, and the duties of the feoffees, were, to] apply and distribute all the issues and proffitts ariseing or growing out of the premisses, in manner and forme following: vizt., That two of the ffeoffees aforesaid, with the consent of the rest of the

Two feoffees shall be yearly chosen by the rest, to

* "Opera caritatis" are the words used in the original of each.

† See before, pp. 247–249.

‡ The whole of what follows is taken from the Inquisition and the Decree of 1628, both of which are in the Public Record Office. The former of these traces the history of "Lenche's Trust" from its beginning till 1628. The latter confirms and re-states the objects of the endowment and the manner of working it. The course of the feoffees is indeed stated in the latter with more fulness than is done in the deed of 1540; but there can be no doubt that it is so stated in accordance with the long-established practice. The Inquisition is in Latin; the Decree is in English. The feoffees have an old translation of the inquisition, which I have used for so much as is taken from that record, save where, as sometimes happens, there is a flagrant mistranslation. The great length of these documents prevents my giving more than the extracts that follow.

receive the rents, and to distribute the same:

ffeoffees or the major part of them, by their common nominacioun and appointment, should receive yearely the rents and proffitts of the premisses, and the same distribute for the uses following: vizt., ffor the repairing the ruinous waies and bridges in and about the same Towne of Birmingham, where it shall want; And, for default of such uses, should bestowe the rents and proffitts of the premisses to the poor liveing within the Towne aforesaid, where there shall be most need, according to the appointment and disposicioun of the said ffeoffees for the time being, or the major part of them; or to other pious uses, according to the discrecioun and appointment of them the ffeoffees, or the major part of them. And that those two of the ffeoffees aforesaid who have been elected and nominated by the rest of the ffeoffees to gather in the rents and proffitts of the premisses, and to distribute them in manner and forme aforesaid, should yearely, in the end of the yeare in which they were elected, in St. Katherine's Chapel, in the parish church of Birmingham aforesaid, before the rest of the ffeoffees for the time being, or the major part of them, render a reasonable accompt of the distribucioun and non-distribucioun thereof, when they shall be thereunto required; and the rents and proffitts of the premisses not distributed, shall there deliver or cause to be delivered to the rest of the ffeoffees or the major part of them. And alsoe, that as often as it shall happen that seaven of the said ffeoffees dye, those seaven who shall be then liveing shall enffeoffe of the premisses certain other honest men of the Towne of Birmingham: Who, soe being seised, shall reenffeoffe the said seaven who shall survive and other seaven honest men within the Towne of Birmingham aforesaid; soe, that is to say, that the said ffeoffment shall be renewed for ever in the same manner as is abovemenciouned.

(1) In the repair of ways and bridges;

(2) or otherwise to help the needy poor;

(3) or to other pious uses.

The two chosen feoffees shall yearly give to the rest an account of the distribution;

and shall deliver over all unspent moneys.

When only seven feoffees remain living, a re-enfeoffment, to fourteen, shall be made; and so the feoffment be renewed for ever.

Ordinances in the Decree of A.D. 1628.

[The *Decree* made upon this Inquisition, and which has, to this day, the force of law, under the Statute 43 Eliz. c. 4, confirms the purpose of Lenche's endowment, and the manner of working it. Thus, the rents and profits] shall for ever hereafter be imployed to the same uses [as are stated in the deed of

The same employment shall be made of the funds,

29th March, 1540]; that is to say, to repaire the waies and bridges ruinose or in decay, or hereafter to be ruinose or in decay; [and, in default of this use, to the poor of the town]; or unto other godly uses, according to the order and discrecoun of the said ffeoffees. as was ordained in the Deed of 1540.

And that the said two ffeoffees shall, vppon the Tuesday in Easter weeke, make their iust accompts, before the rest of the said ffeoffees, and other the enhabitaunts of the said Towne of Birmingham, of all their Receipts and disbursements during the tyme they haue exercised that office; And that, if any money shall remayne in their hands, that the same shall be paid to the rest of the said ffeoffees, to be deliuered over to such other two as shalbe chosen into the said office for the year following. And that, vppon Tuesday in Easter week, yearely, in the afternoone, vppon the tolling of a bell, such meeting, for the purpose aforesaid, shalbe had, and the like accompte shalbe made and taken, and two new officers chosen for the purposes aforesaid.

The yearly account shall be made on Easter Tuesday, before the feoffees and other townsmen.

Moneys in hand shall be paid over to two officers, who shall be yearly chosen.

The meeting for this purpose shall be held on the tolling of a bell.

[Long leases are prohibited;* and leases are only to be made for twenty-one years in possession. Rents may be abated] for the releafe or ease of a poore tenaunte.

Long leases are forbidden.

[The feoffees must be renewed from time to time, as stated in the deed of 29th March, 1540; and all so appointed shall be of] the most honest and sufficient enhabitantes within the Towne of Birmingham.

The feoffees must be renewed from time to time.

[All deeds, writings, &c.] shall be kept in a chest to be provided for that purpose: the said chest to be kept in the parish Church of Birmingham aforesaid, or in some other convenient place, as to the said ffeoffees or the greater parte of them shall be thought fitt. Ye sd chest to be locked with three seuerall lockes at the least, wch shalbe kept by three of the said ffeoffees. And such and so many of the said ffeoffees as will, shall and may take notes or copies of all or any such deeds, writings, and evidences.

All deeds and writings shall be kept in a chest, having three locks thereto.

Every feoffee may take notes or copies of any deed or writing.

* Several leases had been granted for 99 years; others for 21 years after the end of a lease then in being. All such leases are declared to be void in law.

Deritend bridge, being in decay, shall forthwith be repaired.

And for that we are credibly given to understand that the bridge called Dirriden Bridge is in great decay, we do judge, order, and decree, that the said Bridge shall, with all convenient speed, be repaired and amended by and out of the Rentes and proffittes of the said premisses, as the same may be had and raised. And that the s[d] ffeoffees, or the greater parte of them, shall and may sell wood and timber from of[f] the said premisses, thereby to raise money to-wardes the repaire of the said Bridge, allowinge reasonable tymber for the present repaire of the Buildings uppon the premisses, to be provided or reserved vppon the said Leases.

Timber may be sold, enough being left for needful repairs of buildings under lease.

[The "Warkis of Charyte" ordained by William Lenche, A.D. 1525, to be done in Birmingham, still continue to be done there by his feoffees, in the spirit, and as near as can be to the letter, of these old ordinances.*]

(c) Gild of St. John the Baptist of Deritend.

Birmingham and Deritend one borough.

[The old formal description of Birmingham was, "The Borough of Birmingham and Deritend;" the hamlet of Deritend, though in a different, but adjoining, parish, being a very ancient, and by no means the least important, part of the borough and lordship. A separate gild existed in the hamlet of Deritend. This is proved by a long series of charters, forming part of muniments of title in my own possession. Not only is this gild continually named in these, but it is named on account of houses that belonged to it. There was also founded in Deritend, in 1375, a chapel, which was liberally endowed by the inhabitants; but as to which it is remarkable that, neither in the agreement made as to services therein, nor in the declaration of the purposes of endowment contained in

An old Gild in Deritend.

Chapel built in Deritend, A.D. 1375;

* The annual income was, in 1868, over £2500 a-year, and will soon be much greater. Other gifts were, later, added to the original endowment of William Lenche; but they were made for the same purposes, and are vested in the same feoffees. The "Trust" therefore rightly keeps to the name of the first and largest endower.

the License of Mortmain, is there any provision whatever made for any chantry, or for any services for the souls of the dead. So entirely unprincipled, however, were the proceedings that were taken to grasp as much as it was possible to bring within that scheme of legislative plunder under which the English gilds were annihilated in the time of Edward VI., that the property of the old gild of Deritend, and that of the chapel endowment, were mixed up together, and were both described as belonging to a "chauntry," though no chantry ever existed in the place! To illustrate these facts, necessary to a true knowledge of the story of English gilds, but which would otherwise be deemed incredible, I now quote some of what is said, in the Certificates of Colleges, about the pretended chantry of Deritend, but which really mixes up together the endowment of the gild and of the chapel.*]

but without any chantry.

The Gild and the Chapel were falsely confused together, and reported as a Chantry, in order to secure the seizure of the endowments of both.

(1) Report of the Commissioners of 37 Henry VIII.†

Cantaria de Derettende in parochia de Astone, ac infra Dominium de Byrmyngh^am, in Comitatu predicto.

[The yearly income, from rents, &c., is set down, in one sum]	xiij.*li.* xix *d.*	Income of the gild.
[The yearly outgoes are set down in detail; and amount to]	xiij.*li.* v.*s.* ij.*d.*	Outgoes of the gild.
Et sic in superplus	iij.*s.* vij.*d.*	

There ys no ffoundacyon of any suche Chaunntry, but a

* It is interesting to catch unprincipled people tripping. Though the Commissioners and their followers were careful to speak only of a "chauntry" of Deritend, yet in one document, still in the Public Record Office, I find an interlineation of the words "sive Gilda." Thus the truth got blurted out upon the face of the record, in a moment of inadvertence or of conscience-smiting. The facts as to the Gild of St. John the Baptist of Deritend will be found stated in the first part of my "Memorials of Old Birmingham," (published in 1863); while facsimiles and translations of the Agreement and Licènse of Mortmain touching Deritend Chapel are given in the second part of the same work ("Men and Names:" published in 1864). This agreement is what is called, in the following Reports, a "composicyon or ordynaunce."

† Certificates of Colleges, Warwick, No. 31.

Official confusion between chantry, chapel, and gild.

certayne composicyon or ordynaunce made betwene the prior and munkes of the late Monasterye of Tykfforde, whiche ware persons of Aston and Deretende, on that one partye, and Sr John Byrmyngham, Knyght, and the inhabitans of the same hamlet cauled Deretende, on that other partye, by thassent and consent of one Robert, Byshhoppe of Coventrye and Lycheffelde; That the seyd inhabitans of Deretende myght haue one Chapeleyne to celebrate Dyvyne seruyce wtin a Chappelle there of Saynt John, newleye erected and mayde, and also to mynyster vnto them all Sacramentes and Sacramentalls, Beryinges except; by-cause they be ij. myles dystaunt ffrom there parisshe churche, so that, in wynter season, the seyde parisshyoners coulde not go to there parisshe churche wtout greate daunger of perysshyng. And there be aboue cc. houselyng peaple wythe-in the seyde ij. hamletts.* And at thys present tyme there be ij. prestes; where-of the one seruyng the cure, and the other teaching a grammer schole. There hathe bene no other landes belongyng to the same Chappelle syns the time before lymyted, more then ys before expressed; and the Inventory there-of hereafter dothe appere. [But no such inventory does appear.]

Two hundred houseling people.

A grammar school in Deritend.

(2) Report of the Commissioners of 1 Edward VI. †

Official confusion between chantry, chapel, and gild, repeated.

Ye Chauntre of Deriatende hath no ffoundacion, But a certaine Composicioun or Ordenaunce betwene the Prior and monks of the late Monasterye of Tykforde, being patrones of the paroche of Aston nere Brymyncham and Deriatend, on thone partye, and Sr John Brymyncham, Knight, and thinhabitauntes of Deriatend, on thother partye, wt thassent of one Robert Byshopp of Coventre and Lichefeld; That the inhabitauntes of the said Hamlett of Deryatend shollde haue a priest to celebrate divine seruice in [a] Chappelle theare newlye therefore erecte, and to minister alle maner off Sacramentes and Sacra-

* The "two hamlets" were Deritend and Bordesley; both of which are named in the "composicyon or ordynaunce," though it is not so said above.

† Certificates of Colleges, Warwick, No. 53.

mentalls (buryinges onely except); In whiche seruice are nowe two priestes. And haue landes and possessions to the yerelye value of ..... xiij.*li.* xix.*d.* Income of the gild.

Against wch,—

In rent resolute due to diuers persons, going owte of the premisses, lxxij.*s.* viij.*d.*; To two priestes mynystryng theare, that ys to saye, Sr Edmunde Kaye (c.*s.*), and Sr John Mote (c.*s.*), = x.*li.*; amounting in alle to..... xiij.*li.* xij.*s.* viij.*d.* Outgoes of the gild.

Et rem. nil, ffor the srplusage ys ..... xj.*s.* j.*d.*

Md. Plate and jewells thereunto belonging, lvj.*oz.* Plate and jewells, partly in pledge.

Whereof one crosse, wayinge l.*oz.*, ys remayninge in the hands of Sr Fulke Gryvelle, Knyght, in gage for iiij.*li.*; and chalice in thandes of the Incumbentes, vj.*oz.*

Goodes and ornamentes thereunto belonging are praysed at x.*s.* Goods of the gild.

[In the margin of this record is written as follows:—]

Ther is a chapelle at ease for the same towne of Deriatend, beinge devided ffrom their paroche churche wth a greate Ryver.* Alleged chapel of ease.

* This statement must have arisen out of the confusion caused by the mis-statement as to a chantry, made in both this and the foregoing Reports. There never was any "chapel at ease," any more than there ever was any "chantry," in Deritend. Deritend Chapel (see before, 258) was, and still is, wholly independent of the parish church of Aston. This chapel is mentioned in Kennett's "Parochial Antiquities" (ed. 1695, p. 595), under the name of "Devetan." But the facts are as incorrectly stated there as is the name. See the note before, p. 259.

XIV.

CAMBRIDGE.

(*a*) Gild of Holy Trinity.*

The Return is addressed to the Lord Chancellor,

and sets forth a decree of the Consistory of Ely.

This Return is unique among those sent up in 1389, both in the manner and the matter of it. Beginning with some lines addressed to the Lord Chancellor by the bretheren of the gild who make the Return, it then, instead of giving a copy of the ordinances, sets forth at full length a decree of the Consistory of Ely. That decree begins by stating that the ordinances were shown to the "Official of Ely and Commissary of the Bishop of Ely,"† on 1st May 1384, "according to the course and computation of the Anglican Church."‡ The ordinances are then set out at length in the decree, beginning with the names

* CCCIX. 54. Condition, fair, where not damaged by three holes that have been pierced through all the leaves. Latin. This very interesting Return is made up in the form of a book. Other examples of the same thing have been given of Part I. (see before, pp. 37, 40). The present book contains eleven leaves, each 7½ in. long, by 5 in. wide. All the twenty-two pages are covered with writing, except the first, on which are only written the words "*Gilda Cantebr'*" by way of title to the Return. The ordinances themselves fill ten pages. All the rest is taken up by the preamble, the decree, the notarial attestation, and the Bishop of Ely's Indulgences.

† Called hereafter, for the sake of shortness, the "Commissary."

‡ It would save much contention and mistake, if it were better known than it is, that the Church of England was distinguished, long before the "Reformation," as the *Anglican* Church, and the Church of Rome as the *Roman* Church. The words of the original in this case are "secundum cursum et computacionem ecclesie Anglicane." In a document within three years of the same date, to which the Bishop of Coventry and Lichfield and several other ecclesiastics were parties, in 1381, a certain monastery is described as "ad *Romanam* ecclesiam, nullo medio, pertinens." (See the second part of "Memorials of Old Birmingham: Men and Names," p. 54.)

of the seven founders of the gild. The substance of these ordinances is as follows:— The ordinances.

De Officiariis. There shall be one head of the Gild, who shall be styled "Alderman." There shall also be two Stewards, who shall gather in and deal with the goods and chattels of the Gild, and shall trade with the same; and they shall give an account thereof, and of all gains thence arising, to the Alderman and bretheren, and deliver them up as is hereinafter said. They shall take an oath of office, and moreover find two sureties. There shall also be a Dean of the Gild, who shall enter the names of new-comers;* give warning to the bretheren of all the times when they must meet, and make record of the warning; write down moneys received and fines that are due, and levy the latter; give out to needy bretheren their allowances, as is below said; carefully see that all is rightly done on the burial of any brother or his wife;† and range the bretheren in becoming manner when they meet. The officers of the gild. An alderman, two stewards, and a dean.

De Capellano celebraturo. If the means of the Gild enable it, and the Vicar of the Church of Holy Trinity consents, a Chaplain shall be appointed. And there shall be a candle-bearer, enriched with a carving of the Holy Trinity; on the top of which three candles shall be burnt, on Sundays and Feast-days, so long as the means of the Gild allow it.‡ There shall be a chaplain, if the gild can afford it.

The term "medius" is used in this document of 1381, as it is in the writ *ad quod damnum* (before, p. 242), to express any person or authority, having any interest in the subject-matter, between that of the highest and the lowest of those that are being spoken of. As to the date, 1384, given in the present Return, see the note to the last clause of the ordinances (after, p. 268).

* The original words are:—"Ad cujus spectabit officium, nomina fratrum ingredientium *immatriculare*."

† In the case of this gild, it seems that no sisteren were members of it, but that nevertheless the wives of bretheren had the advantages of it. I find the same thing in other Cambridge gilds; but there are some to which women were admitted as direct members.

‡ There is something startling in the cold and contingent way in which

Services shall be attended on the eve and the feast of the Holy Trinity.

De progressu in festo Sancte Trinitatis. On the eve of the feast of Holy Trinity, or some day near it, at the stroke of first even-song, the Alderman, Stewards, and Dean, with the bretheren of the Gild who are in Cambridge or within ten miles round, shall meet at a place agreed on, and thence go, two and two, clad in livery (if they have any), to the church of Holy Trinity in Cambridge, to hear first even-song; and, even-song ended, they shall go back in the same way. And, on the morrow, they shall go in like manner to matins, day-service,* mass, and second even-song; and the Alderman and bretheren shall make offerings. And whoever is absent, either at this time or whensoever he is summoned, unless through sickness or for other good reason (as to which he shall be put upon his oath), shall pay two pounds of wax.

No priest shall have anything to do with the affairs of the gild.

De presbyteris non sumendis ad officia. If any ecclesiastic, especially one in holy orders, comes into the Gild, he shall not be put into any office of the Gild; nor shall any of its goods be put under his charge; nor shall he be let meddle in any way with such things; but lay brothers of the Gild shall undertake them, who are best able to deal with such things, and to bear the burthen of such offices. For it is neither becoming nor

these Cambridge folks, so emphatically approved by the Commissary and the Bishop, propose to have a chaplain and a few lights at services. The original words of this ordinance are as follows:—"Item statuimus et ordinamus, interveniente consensu domini Thome Wygenhole, perpetui vicarii dicte ecclesie Sancte Trinitatis Cantebrigie, quod, *arridente nobis uberiori fortuna*, inveniatur in dicta ecclesia, sumptibus dicte Gilde, unus capellanus, celebraturus ad altare in ala eiusdem ecclesie, juxta ymaginem beate Marie Magdalene, hora competenti, absque prejudicio ipsius ecclesie; et unum candelabrum, decenter ornatum cum ymagine sancte Trinitatis; in cuius candelabri summitate, tres candele, singulis diebus dominicis et festivis, dum aguntur solempnia, ardeant in honore summe et individue Trinitatis, *quamdiu facultates dicte Gilde seu fraternitatis ad hoc se optulerint*, favente domino duraturas." Other Cambridge gilds among these Returns also show that the services of a chaplain were deemed quite secondary to the other purposes of the gilds.

* "Horas canonicas" in the original. See Canon Rock's "Church of our Fathers," vol. iii. part ii. pp. 16–20.

lawful that a parson should in any way mix himself up with secular business; nor does it befit the good name or come within the calling of such men, that they should take on themselves offices and things of this sort.*

De quatuor tractatibus in anno. All the bretheren, being summoned, shall come together before the Alderman, Stewards, and Dean, four times a-year; namely, on "Hokeday," the Nativity of St. John Baptist, Michaelmas, and Christmas, or within eight days next following, to consider and do whatever the welfare of the Gild needs; and every brother shall pay, on each of those days, or within eight days afterwards, sixpence to the Gild-stock. Whoever, having been warned, and having no good excuse, does not come to any such meeting, shall pay a pound of wax. And the Dean shall pay a penny for every brother whom he ought to have warned, but has not.

There shall be four meetings every year, about the affairs of the gild.

De compoto officiariorum; et eorum eleccione. On a day and in a place appointed by the Alderman, within fourteen days

The stewards shall every year give an account, and bring up the stock in hand.

* The original of this remarkable ordinance must be given:—"Item statuimus et ordinamus quod si contingat aliquem virum ecclesiasticum, presertim in sacris ordinibus constitutum, ad dictam fraternitatem assumi, quod non preficiatur in aliquam officiarium dicte Gilde, nec aliqua bona habeat ministranda; neque de iis se aliquatenus intromittat; sed alii laici dicte Gilde confratres, qui cum bonis hujusmodi negociari et onera officiis suis incumbentia, commode poterunt supportare maxime: cum non deceat, nec liceat, clericus negociis secularibus se aliquatenus immisceri; nec eorum congruit honestati, aut dignitati convenit, circa onera ad hujusmodi officiariorum curam et sollicitudinem spectantia de quibus supra fit mentio intendere seu vacare." Long before the Returns were known to me in which this ordinance is found, I showed, by exhaustive demonstration, in the "Parish" (second edition, pp. 288-330), that the modern assumption of the right of Incumbents to take the chair at parish vestry-meetings, not only does not rest on any lawful foundation, but is directly contrary to the whole spirit and express letter of both Common Law and Canon Law, and that it is a mere usurpation, unsupported by any authority whatever. The above ordinance, which had the strongly expressed sanction of the Ecclesiastical Court and lawyers, as well as that of the bishop, is a striking practical illustration, almost in the same words, of what was shown by me, in 1857, to be the true law of England on this subject.

after Trinity Sunday,* the Alderman, Stewards, Dean, and such bretheren as can be found, shall meet; and the Stewards shall give a faithful account of the money in their hands, and of how they have dealt with it, and of what has been spent. Whatever remains in their hands, whether of the principal money or of gains thence arising, shall be brought and put before the Alderman and bretheren. If either of them fails to do this, he shall pay ten shillings to the Gild; and the Alderman shall take means to recover from him and his sureties the payment of what is owing to the Gild, as well as this ten shillings.—Afterwards, on the same day, the Alderman shall call up seven of the bretheren; and they shall be sworn to choose, in good faith, out of bretheren dwelling in Cambridge or Barnwell, trusty and true men to be Alderman, Stewards, and Dean, for the coming year. Those thus chosen by the seven, or by the greater part of them, shall be charged, by the outgoing Alderman, faithfully to fulfil what belongs to their offices. After this, the Alderman shall deliver all the goods and chattels of the Gild to the new Stewards, by an indenture, to be made between them of the one part, and the Alderman of the other part. Forthwith that Alderman shall cease to hold office, and shall give the indenture to the new Alderman; so that it may be known, at the next account day, what goods the Stewards have received. If the seven, or the greater part of them, cannot agree in their choice, then the old Alderman, with the Stewards, Dean, and such others as he likes, shall appoint the Alderman, Stewards, and Dean for the new year. Whoever, being chosen Alderman, will not serve the office, shall pay ten shillings: Stewards and the Dean, six shillings and eightpence. Whoever, having been warned, does not come to this account and election, shall pay two pounds of wax, unless he has good excuse.

Seven bretheren shall be called on to choose officers for the next year.

The new officers shall be charged by the alderman.

An indenture of transfer of the gild-stock shall be made; and this shall be given by the old to the new alderman.

If the seven fail in choice of officers, the old officers, with others, shall choose the officers for the next year.

Whoever, being chosen, will not serve, shall be fined.

Services for the dead.

De Officio circa corpora defunctorum. All becoming services shall be done on the death of any brother, or of the wife of any

* "Aliquo die infra quindenam Sancte Trinitatis, per Aldermannum qui pro tempore fuerit assignato."

brother, whether within or without the town. And the Aldermen, Stewards, Dean, and bretheren shall be present at those services.*

De pauperibus relevandis. Regula. If any brother, or brother's wife, comes to want through mishap, without any self-guilt, he shall have, at the cost of the Gild, sevenpence every week of his life while the need lasts, and a gown and hood every year; and he shall be freed from all Gild payments. His wife shall be treated in the same way after his death, so long as she does rightly and is not re-married.

Help shall be given to poor bretheren.

The wife of a brother shall have the like help.

De fratibus admittendis, et eorum juramento. Before the in-coming of any new brother, the consent of the greater part of the Gild shall be given; and then the Alderman, with eight others of the Gild, may admit him. But, before he is admitted, they shall tell him, openly, what it is that he undertakes in coming into the Gild. If he still seeks the Gild-ship, he shall swear to keep and uphold the ordinances of the Gild; not to bewray its affairs; and to pay all fines. This done, the Alderman, Stewards, and Dean, with the eight others, shall admit the new brother. And he shall pay, on admission, thirteen shillings and fourpence to the Gild; sixpence to the Alderman; and threepence to the Dean.—The Dean shall also have, for all the duties fulfilled by him, two shillings a-year from the Gild, and shall be freed from the four quarterly payments made by others.† If any brother wishes to leave the Gild, not through ill-will or wantonness, but for some good reason, he shall come before the Alderman and bretheren, and shall say why he wishes to leave it. He shall then be allowed to leave: but so that, when the reason given ceases, he may rejoin the Gild.

New-comers must have the consent of the gild to their in-coming.

They shall be warned of their duties, and sworn to keep the ordinances.

Payments by new-comers.

Salary of the dean.

A member may, on good cause shown, leave the gild for a time.

* This ordinance is very long, and goes into much and curious detail. It is remarkable that it recalls and provides for the contingency of the gild having no chaplain of its own. See before, under "*De Capellano celebraturo*," and the note thereto.

† See before, "*De quatuor tractatibus in anno.*"

All the bretheren shall pay respect to the alderman.

De fratrum obedientia, et eorum honestate. Regula. All the bretheren shall give due respect to the Alderman at all meetings of the Gild; and there shall be no angry nor idle talk. If the

The alderman shall appease quarrels.

Alderman is aware of any quarrel between bretheren of the Gild, he shall do his best to bring them to peace. If any brother is

Froward bretheren shall be punished;

so boldly froward as to disobey these ordinances or the lawful commands of the Alderman, or shall do anything hurtful to the Gild's good name, he shall be punished as the Alderman thinks

and, if need be, shall be put out of the gild,

fit. And if he will not submit to a reasonable punishment, he shall be put out of the Gild for ever; and, besides this, he may,

and dealt with as perjurers.

on the presentment of the Alderman and two bretheren of the Gild, be dealt with by the Bishop of Ely, or his Commissary, as a perjurer and faith-breaker.

The alderman may appoint a *locum tenens*.

Should the Alderman be, at any time, so busy that he cannot himself come to a meeting, he may name one of the bretheren to take his place; who shall have the same authority for the time being as the Alderman.

The ordinances may be amended.

The power of amending these ordinances is specially reserved to the founders and their successors.*

Sealed on 14th March, 1377.

And because the Gild has not yet any common seal, the seals of the founders are set hereto. Given at Cambridge, on the 14th day of March, 1377.†

The Commissary is asked to read the ordinances, and to say if they are lawful.

After thus setting forth these ordinances, the decree goes on to say, that the Alderman and bretheren asked the Commissary to read the ordinances with care, and, if found right and reasonable, judicially to declare the same in the form of a decree.

He reads them, and sets many learned lawyers to read them also.

Whereupon the Commissary himself read the ordinances with great care, and also caused them to be most diligently examined

* This is done less broadly than in the case of the Gild of the Lord's Prayer of York. (See before, p. 139.)

† It will be seen, by this date, that the decree of the Commissary was not sought at the time of the foundation of the gild; while the date of that decree (1384) shows that it had nothing to do with the Return made in 1389. Something that arose between these dates, must have led to the asking for the decree. It will further be seen, by what follows, that one of the bishop's Indulgences was given several years before the decree was made.

by all the advocates of the Consistory of Ely, and by other men most skilled in both branches of the law.* Having found, by these means, and by what sworn witnesses have also said, that the ordinances are good and lawful, the Commissary, in open Court, declares them to be so, and decrees, authorizes, confirms, and approves them, so far as he has authority; and he orders that the decree shall be made patent, under the official seal of Ely, and the attestation of the Public Notary there. Given and done on the 21st day of May, in the year aforesaid, in the presence of nine learned lawyers, whose names are given.

All agree that they are good and lawful; so the Commissary makes a judicial decree, declaring them to be so.

Given, under the official seal of the Consistory of Ely, 21st May, 1384.

Then comes the attestation of the Notary.

Attested by the Notary.

Two remarkable documents, following this decree, complete this unique Return. In one of these, dated 27th July, 1384, the Bishop of Ely himself declares his approval of the ordinances, and grants an Indulgence of forty days to all who help the gild. In the other, which, though written out last in the Return, is earlier in date, it is stated that the gild was founded at much cost to the founders; and an Indulgence of forty days is granted to all who join it. The date of this Indulgence is 26th June, 1378.

The Bishop of Ely also approves the ordinances,

and grants two Indulgences in favour of the gild.

[No less than seven Returns, besides that from the Gild of the Holy Trinity, still remain, of those sent up from Cambridge in January, 1389. No two of these are alike, and all are full and interesting. A few extracts from some of them are all that can be here given :—]

(*b*) Gild of the Blessed Virgin Mary (St. Botulph's).†

If any brother comes to want by mishap or sickness, so that it is not through plunder by harlots, or through any other bad

Poor bretheren, not guilty of harlotry or other

* "Sapientes et prudentes *utriusque juris* peritos." This will mean the Canon Law and the Civil Law. The Consistory could not deal with the Common Law as such. No doubt this decree was asked for because some ill-natured person—perhaps some displaced chaplain—had charged the gild with some breach of the rights of the Church, or with not maintaining a chaplain.

† CCCIX. 77. Condition, fair. Latin.

bad way of life, shall have allowances of money and clothing.

way of life, and he has not the means of living, he shall have sevenpence a week, during life, from the Gild, and a new gown every year. If two bretheren are at the same time in want, not through plunder by harlots or any other bad way of life, each shall have, during life, fourpence a week, and a new gown every year.

The poor shall be buried at the cost of the gild; and all, whether rich or poor, shall be kept in memory.

The funeral of every Gild-brother shall be attended; and poor bretheren shall be buried at the cost of the Gild. And whether the dead brother has been rich or poor, the Master and bretheren shall yearly keep in mind his death-day.* Every incomer shall give to all the rest the kiss of brotherhood.†

The kiss of brotherhood.

(c) Gild of the Annunciation.‡

The gild was begun A.D. 1379. A register is kept of the members.

This Gild was founded on 26th March, 1379. The Return gives twelve names of founders, and states that a register is kept of all the members.

It was begun to cherish kindliness. Yearly payments shall be made, John Cornwall excepted.

The Gild was begun in order that, among us and our successors, kindliness should be cherished more and more, and discord be driven out.§ Payments are to be yearly made by every brother; but from these John Cornewaill is, by common assent, to be free, on account of the trouble he took in founding the Gild.‖

There shall be four great torches; and also a chest, with two locks and two keys.

Four torches, of forty pounds weight, are to be made; and also a chest wherein to keep the money and goods of the Gild: which chest is to have two locks and two keys. The Master shall keep the torches and the chest: two bretheren shall keep, each, one of the two keys of the chest.

Quarrels shall be put to arbitration.

In case of quarrel between any bretheren or sisteren, the matter shall be put to the arbitration of the Master and two others of the Gild; and whoever is found in the wrong, shall make

* "Et sive dives fuerit sive pauper talis confrater defunctus, dicti magister et confratres dicte fraternitatis, vel eorum successores qui pro tempore fuerunt, tenebunt annuatim diem anniversarii sui, sumptibus dicte fraternitatis, imperpetuum."

† See before, pp. 6, 9.

‡ CCCIX. 78. Condition, fair. Latin.

§ "Ut inter nos et successores nostros magis et magis caritas habundet, discordia procul pellatur."

‖ See before, p. 85, note.

amends. No parson, nor baker, nor wife, shall be admitted into the Gild, unless when the husband of such wife is already a member.* All moneys of the Gild shall be applied as is said in these ordinances (including help to needy bretheren), and to no other uses. None shall be wasted in lawsuits or such like,† unless by the express consent of the Master and bretheren.

No parson nor baker shall come into the gild; nor any wife whose husband is not a member.

No money shall be wasted over lawsuits.

(*d*) Gild of the Blessed Virgin Mary (juxta fforum).‡

Annual payments shall be made; but the clerk and beadle shall not pay while serving their offices. Poor bretheren shall be helped. There shall be a chaplain: but it is to be clearly understood that, if the funds of the Gild fall below ten marks, the finding of a chaplain shall stop; and the goods of the Gild shall be then bestowed in the maintenance of a light and of the poor bretheren. When the Gild gets richer, a chaplain shall be refound. The money and goods of the Gild shall be kept in a chest having two locks and two keys; of which keys one shall be kept by each of two Aldermen of the Gild. But neither the Master, nor the Alderman, nor any other, shall lend, lay out, bargain for, put elsewhere, or give away, any of the money or goods of the Gild, unless it is done in accordance with the will of all the bretheren of the Gild.§

The clerk and beadle shall be excused from the annual payments.

There shall be a chaplain when they can afford it; but help to the poor bretheren comes before this.

There shall be a chest to keep money and goods in;

and no money nor goods shall be applied without the consent of all the gild.

* "Nullus capellanus, pistor, aut uxor, in dicta Gilda recipiatur, nisi vir uxoris ante eam in eadem gilda fuerit receptus."

† "Non in placitis nec in aliis negociis destruatur."

‡ CCCIX. 119. Condition, fair. Latin. The ordinances of this gild were, like those of the Gild of Holy Trinity, declared good and lawful by a decree of the Consistory of Ely, and probably for the same reason. The decree is dated 1st February, 1385. This gild was not, however, like the Gild of Holy Trinity, favoured with the bishop's personal approval, nor with any grant of Indulgences. But the ordinances are highly interesting, and I regret that space forbids me to quote them more fully.

§ "Nec ipsi magister, seu Aldermanni, nec quisquam alius de dicta fraternitate, aliquam pecuniam seu quevis alia bona ad dictam gildam spectantia, aliis accomodent, locent, conducent, alibi deponant, seu alienent, nisi de omnium et singulorum confratrum dicte gilde processerit voluntate."

NOTE.—It is remarkable that, while so many and such very interesting Returns from Cambridge gilds remain among what were sent up in 1389, only three remain from Oxford gilds; and the ordinances contained in the latter, though not without points of interest, are, all of them, much less full and less exact than those of the Cambridge gilds. Yet Oxford had an ancient "Gild Merchant," although the Return sent up from it in 1389 is lost. A curious Return, unhappily in very bad condition, is still extant among the others, which gives copies of many very old charters as to Burford, in Oxfordshire. In this Return, the customs of the Gild-Merchant of Oxford are again and again put forth as the great exemplar for Burford, just as those of York are put forth as the exemplar for Beverley.*

Gild Merchant of Oxford.

This contrast between the gilds of Cambridge and Oxford is made the more striking by the fact, that a copy has been sent to me of a MS. of gild ordinances found in the Bodleian Library, and naturally supposed therefore to be the ordinances of an Oxford gild. So soon as I read it, I was satisfied that its true home was nearer East Anglia. This opinion has been wholly confirmed by copies of three sets of gild ordinances which I have since received from Cambridge. One of these is taken from a MS. in the Library of Trinity College: the other two are taken from the Baker MSS. in the University Library. The particulars of the gilds of which these are the ordinances, will be found next following. They put it beyond even the possibility of doubt that the MS. in the Bodleian Library does not contain the ordinances of an Oxford gild, but that, however strange it may seem, it contains those of a Cambridge gild. (See also the Appendix to this volume.)

(*e*) GILD OF ST. CLEMENT, AND TWO OTHERS.

Old ordinances copied by later gilds.

[The fulness and originality of the ordinances of the many gilds in Cambridge, up till the end of the fourteenth century, has been seen in the foregoing pages. Not less striking is the entire change in this respect which took place in the fifteenth century. Nowhere else in all England have I yet found one gild after another copying the ordinances of an older gild. In the fifteenth century this happened in Cambridge; and with such seemingly blind helplessness, that ordinances, professing to be those of distinct gilds, and which had more than forty years' difference between them in the dates of their foundation, are more

* See before, pp. 151–153.

identical in shape and words, so far as these could be used by separate bodies, than are the different versions of what are avowedly copies of the same Bye-laws of Tettenhall-regis.*

MSS. in Trin. Col. and University Libraries, Cambridge; and in the Bodleian, Oxford.

In the Library of Trinity College, Cambridge, are the ordinances of the Gild of St. Clement, made in the year 1431. Among the MS. collections, now in the University Library, made by that industrious Cambridge antiquary, Thomas Baker, is a copy of the ordinances of the Gild of Saints Peter and Paul of Cambridge, bearing the date of 1448. In the Bodleian Library at Oxford are the ordinances of the Gild of All Saints, with no place named, but bearing the date of 1473. Among the before-named MS. collections of Thomas Baker, there is a copy of the same ordinances; and, though it is not so stated, either this copy must have been made from the MS. now in the Bodleian, or both were made from the same original; for the same loss of one ordinance is found and noted in each. Copies of all these three sets of ordinances have reached me from the three different libraries wherein all have long rested in peace. The presumption was, that, though all in English, they would be found, as in the case of other gilds, different from each other. On comparing them critically, however, I found that, with only altered names and dates, and a few small details, they are all in the same words. And all must have been taken from the same original, inasmuch as any addition to or alteration from the earliest of them is seen on the face of the later MSS. I now give the ordinances of the oldest of these three gilds.† The variations found in the later ordinances are shown, some in the margin and others in foot-notes.‡

* See the last article in Part III. of this volume.

† From the Gale MSS. (O. 7, 15), Trinity College Library. This must be the original set of the ordinances used by the gild, for the later entries are made in different hands. (See after, p. 281.) It is made up bookwise, as in the instance before, p. 262, and the other examples there named.

‡ Mere differences of spelling, not showing any dialectic change, are not noticed, nor are the occasional but obvious errors of the scribe.

For the copy of the ordinances of 1431 I am indebted to the kindness, indeed to the hand, of Mr. Aldis Wright, Librarian of Trinity College, Cambridge. The ordinances of 1473 were found, in consequence of searches made for the purpose of this work, by Mr. Coxe, Librarian of the Bodleian. Mr. Dalton, of Cambridge, has been good enough to make the extracts

Each set of ordinances is prefaced by some Latin quotations, and by a prayer for the bretheren and sisteren. The latter is the same in all three. The former are adapted to the patron saint of each gild.]

These ordinances were made A.D. 1431.

*Incipiunt hic statuta edita in honore Sci. Clementis, pape et martyris, de communi consensu omnium fratrum eiusdem gilde, Anno dni. Mill°. cccc°. xxxj°. Et quilibet frater, in admissione sua, debet iurare huiusmodi statuta obseruare.**

Every brother must swear to keep them.

(i.) The chief day of yearly meeting,

Statutum primum. De primo die generali et principali, et quomodo omnes fratres tenentur in illo die interesse.

[1 *Blessedfull*, in B; *blyssydfule*, in C.]

In ye worchippe and reuerence of ye blysful[1] trinite, fadir and sone and holy goste, and of ye glorious pope and martyr seynt Clement, And of all ye holy companye yt is in heuene. These ben ye ordynauncis and statutys of ye Gylde of ye saide seynt Clement, which is holden in ye chirche of ye same seynt Clement in Cambrigge, made be ye comoun assent of all ye bretheren of ye forseyd gylde, in ye 3ere of oure lorde ihesu *Mill°. cccc°. and xxxj.* First, we haue ordeyned for to haue oon general and principal day; ye which† schal be holden euery 3ere on ye sonday

shall be held on the Sunday after Low-Sunday.

from the Baker MSS. To all these gentlemen my cordial acknowledgments, and those of the Early English Text Society, are due. The fact of the identity of the ordinances is, in itself, a discovery that is highly instructive, and which could not have been made without my having had all the copies thus furnished. The different MSS. are distinguished in the margin and notes of what now follows, by the letters "B," "C (1)," and "C (2)." "B" means the ordinances of 1448; "C (1)" means the Bodleian MS. of the ordinances of 1473; "C (2)" means the Baker MS. copy of the same. When reference is made to "B and C," it means that C (1) and C (2) are both of them like B. I may add, that the fidelity of the copies found in the Baker MSS. is strikingly shown by the comparison of "C (1)" and "C (2)." It may be useful to searchers to know that a list of the many volumes of the Baker MSS., which are partly in the British Museum and partly in the University Library, Cambridge, will be found in the second edition of the "Biographia Britannica," vol. i. pp. 521–525.

* All the headings here printed in italics, are in rubric in the original. Figures, &c., here put in italics, are underlined with red.

† "Which," "what," and the other like forms, are generally spelled, throughout C (1) and C (2), "qwych" or "quich," "qwhat," "qwho,"

next aftyr low-sonday. At which day all ye bretheren and ye sustris of this gylde schul come to-gyder vn-to a certeyn place assigned ther-to, as thei schul ben warnyd be ye deen, for to gon to ye forseyd chirche of seynt Clement on ye satirday vn-to ye euen songe, and on ye sonday to ye messe. And what brothir or sustir yat is within ye town, and is somownede be ye deen, and comyth not on ye satyrday to ye euensonge, he schall payen *j. lib. wax* to ye amendment of ye lightes. And who so comyth not on ye day[1] to ye messe, in his best clothynge, in ye worchippe of gode and of seynt Clement, he schal payen *ij. lib. wax.*

All the bretheren and sisteren shall meet, and go to even-song, and, next day, to mass.

[1 *Sondaye*, in B and C.]

All shall come in their best clothing.

*Secundum statutum. De le morowspech, et de pena non veniencium.**

(ii.) There shall, every year, be two days of meeting about the affairs of the gild;

Also we haue ordeyned, for to haue ij. morwespechis in the ȝere. The first for to ben holden vpon the same sonday beforneseyd, and ye secounde on ye sonday next aftyr ye fest of seynt Michael ye Archangell. And at ech of these ij. morowe spechis, euery brothir and sustir schall payen to ye costage, for his pensyon, *ij. denar.* And who-so be somonde to any of these morwespechis, if he be in towne and comyth not, nor askith no licence of ye aldirman, he schal payen *j. lib. wax.* And if ye deen faile in hys somownyng, he schal payen *j. denar.* for euery brothir and sustir yat is not somouned. And who-so comyth aftir prime be smette, he schal payne *ij. denar.* And ye oure prime is clepyd the secounde oure aftyr noone, alsqwel in somertyme as in wynter.

at each of which payments shall be made.

The dean shall be fined for every brother not summoned.

Late comers shall be fined.

"Prime" is two o'clock P.M.

"qwhan," "qwhoso," "qwharwyth," &c. These examples will be enough, without noting every word as it comes. In B, these words are spelled as in the oldest, which is also the modern, form.

* The whole of this ordinance is wanting in both C (1) and C (2), though the place of it is noted, and the first words of the heading are given. In each case, however, as well as in B, it is written "*Statutum secundum*," instead of "*Secundum statutum*."

(iii.) The manner of choosing the alderman, masters, clerk, and dean.

Statutum tercium. De eleccione Aldermanni et aliorum officiariorum. Et de pena huiusmodi officia refutancium.

[1 *We have*, C (1) *and C (2).*]

Also it is[1] ordeyned, that on oure generall and principall day, an Eleccioun on this maner schal ben made. First, ye Aldirman schal clepene vpe ij. men be name. And the compenye* schalle clepen vpe othir ij. men. And these iiij. men schul chesen to hem othir ij. men. And thanne these vj. men schul ben[2] chargid, be the othe yat yei haue made to the Gylde beforne[3] tyme, yat yei schul gon and chesen an Aldirman, ij. Maystirs, a clerk, and a Deen, which[4] hem thynkith,[5] be heyr[6] gud conscience, that ben most able for to gouerne ye companye in ye 3ere folowyng, to the worchippe of gode and of the holy martir seynt Clement, and to the most profyte and avayle of the companye. And who-so be chosen in Office of aldirman, and forsakith his office, he schal payen, to the encrese of the Gylde, *iij.s. and iiij.d.*; Euery maystir, *ij.s.*; and euery pety mayster, *xx.d.*;† The Clerke, *xij.d.*; And the Deen, *xij.d.*‡ And ther schal no man be chosen into noone of these forsayde officers[7] vn-to the tyme he be clene oute of the dette of the forsayde gylde, [and also sworne therto.[8]]

[2 *Schall be*, in B and C.]
[3 *Befor*, in B and C.]
[4 *Wych*, in C (1) and C (2).]
[5 *Thame thynke*, in C (1) and C (2).]
[6 *Thar*, in C (1) and C (2).]

Officers chosen, and not serving, shall be fined.

[7 So in all the MSS.]

[8 Added in B and C.]

(iv.) Sureties shall be given for the goods of the gild.

Statutum quartum. De recepcione cattallorum, et de securitate eorum per obligacionem facienda.

Also it is ordeyned, that whan the Maystirs schal receyuen the catelle of the gylde in-to heir handys, ech of hem[9] schal fynde ij. sufficient plegges, bowndyn wt hem, in a symple[10] obligacion, for to make a trewe delyueraunce [ageyne[11]] of swiche goodys as thei

[9 *Tham*, in C (1) and C (2), and so throughout.]
[10 *Syngyll*, in C (1) and C (2).]
[11 Added in B and C.]

* In C (1) this word has been erased, and the words "Masters of the Gyld" inserted in its place by a later hand. The same is found in Baker's transcript C (2).

† The "pety master" is not named in either B or C. The words are indeed an after-insertion in the Trinity College MS. itself.

‡ Mr. Baker's transcript, C (2), has left out the dean.

receyue,* at the next Generall day folowynge, beforne the alderman and all the bretheren and ye sustres of the forsayd gylde.

And also the alderman schal haue, at euery generall day, to his drynk and for his geestys, *j. Galone* of ale, and euery Maystir *a potell*, and the clerk *a potell*, an[d] ye deen *a quart* of ale. Also the clerk schal haue for his labour, euery ȝere, *xx. denar.* And the deen for his labour, euery ȝere, *xx. denar.*†

Allowances of ale, &c., to the alderman and other officers.

Statutum quintum. De introitu et admissione fratrum, et de iuramento eorum ibidem faciendo.

(v.) New comers into the gild, and their oath.

Also it is ordeyned, yt whan euery brothir and sustir schal entre in-to this gylde, he schal, at the first begynnyng, be sworne vn-to these statutes and ordynaunces, hem to maynten and susteyne vn-to his power and kunnyng. And aftyr, he schal fynde ij. sufficient plegges, for to payen to the sustynaunce and to the fortheraunce of the forsayde gylde, *xl. denar.*, and to ye clerk, *j. denar.*, and to ye deen, *j. denar.* And this schal be payed be ye next Generall day folowyng at ye farrest; Or ellys ye same day, if he wyll of his howne gud wylle, to the more avayle and forther-aunce of the gylde and to his more meede, be the grace of oure lorde[1] gode. [Amen[2].‡]

[1 *Oure lorde*, not in either B or C.]
[2 Added in B and C.]

Statutum sextum. De xxx^ta missis pro fratribus[3] defunctis.[4] *Et*[5] *de pena non offerencium pro eis in principali missa et non veniencium ad exequias.*

(vi.) Services for the dead.

[3 *Et sororibus*, added in C (1) and C (2).]
[4 *Celebrandis*, added in B and C.]
[5 *Etiam*, added in B and C.]

Also whan any brothir or sustir of this companye is passid oute of yis world, the maystirs of the same gyld schal do syng for his sowle[6] *xxx. messys*, of the costys of the gylde, and that wythine *x. days* aftyr thei haue knowlege of his deeth. And also als

[6 *For his sowle*, not in C (1) nor C (2).]

* "With the encrese comyng therof," is inserted here (though with varying spellings) in B and C.

† In B, the clerk has xx.*d.* and the dean xvj.*d.* In C, the clerk has xvj.*d.* and the dean viij.*d.*

‡ In the Bodleian MS. C (1) the following lines are inserted, in a later hand:—"And ye wyffe of an broder of ye gilde so comynge on, shall pay a *j.li.* of wex." This is not copied in the Baker MS. C (2).

sone as the alderman hath knowyng ther-of, he schal [do[1]] chargen the deen for[2] to gon warne all the bretheren and sustris of thys gylde, for to been redye at a certeyn oure assigned, and to come to the place wher the deede body is, for to gon[3] therwith to ye chirche honestly and with the lyghtys* of this compeny, and for to offren for ye sowl, at the messe don therfore, a farthyng. And who-so be withyn the towne, and hath knowyng therof and comyth[4] not, schal payen, at the next morowespeche folowyng, *j.li. wax*[5] be-cause of his absence. Also it is ordeyned, be all oure comoun assent, that euery 3ere the vicarye[6] of the forsayde chirche of seynt Clement schal haue *iiij.s. and iiij.d.* for his certèyntee[7] of messes,† for to preyen for all the companye, bothe for hem that ben lyuynge, and also for hem yt ben deede, if he be a brothir of this forseyd gylde.

[1 Added in B and C.]
[2 *For*, not in C (1) or C (2).]
[3 *Goo* and *go* in B and C.]
[4 *Come*, in B; *cum*, in C.]
[5 *j. denar*, in B; *j.d.*, at end of the sentence, in C (1) and C (2.)]
[6 *Paryshe preest*, in B.]
[7 *A certeyn*, in B and C.]
Payments to the priests.

(vii.) Help to bretheren and sisteren fallen into old age or poverty.

Statutum septimum. De ffratribus ad paupertatem deuenientibus; et quomodo succurratur eisdem de bonis eiusdem gilde.

Also it is ordeyned, be all the comon assent, that if any brothir or sustir of this forseyd companye falle in-to olde age or in-to grete pouerte, nor haue not wherwith to be foundene nor to help hymselfe, he schal haue, euery woke, *iiij. denar.* of the goodys of the gylde, also-longe as the catell therof is worthe *xl.s.* or more. And[8] if it so be-falle yat ther ben moo swich pouer men

[8 *Also*, in B and C.]

* In the Bodleian MS. C (1), there are here written in the margin, in a later hand, the following words:—"yat ys, iiij. Torchys. Here ylepe to the laste leffe, and than cum heder agen." The ordinance on the "laste leffe" which is thus to be "yleped to," will be found after, p. 281. Baker copied the ordinance, but not this marginal note.

† What follows is varied, in B and C, as follows:—"that is to say, to haue in mynde, booth the qwyke and the dede, every fryday [sonday, in C] in the 3ere, and also for to prey every Sonday, at the bedys tyme, for all the compeny, both for hem [*thame* in C (1), *theme* in C (2)] that ben lyvyng and also for hem that ben passyd oute of this worlde." In B there is also added, *in a later hand* (says Mr. Baker), a list of names of eleven persons who are to be specially prayed for.

than° oon, than it is ordeynede, be the comon assent, that the forsayd *iiij.d.* schal ben departyde euery woke a monge hem all.

Statutum octauum. De silencio et obediencia fratrum in presencia aldermanni; et de pena obiurgancium cum[1] *aldermanno vel cum alijs officiarijs eiusdem gilde.*

(viii.) Obedience to the alderman, and peace at all meetings of the gild.

[1 *Eo*, added in B and C.]

Also it is ordeyned, that at euery morowe-speche, and [also[2]] at all [oure[3]] comynges to-gyder, euery man to ben obedient vnto the alderman in alle leefull comaundementis, and that euery man [and woman[4]] holde silence and make no grett noyse; and what man wile not ben in pees at the byddyng of the Aldirman, [then[5]] the deen schal delyuëren hym the ȝerde; and [if[6]] he wile not receyuen it, he schal payne *ij. li. wax.* And who so despyse his[7] Alderman in tyme of sittyng for alderman, or ȝeue hym any reprouable wordys, in disturblyng and noyaunce of the compenye, he schal payne for his trespas *ij. li. wax.** And if he do it ageyn any of the maystyrs, he schal payne *j. li. wax.* And a-geyn the clerke, half a pound wax. And [also[8]] a-geyn the deen, half a pound wax.

[2 Added in B and C.]

[3 Added in B and C.]

[4 Added in B and C; and "silence" is spelled "cylence" in C (1) and C (2).]

[5 Added in B and C.]

[6 Added in B and C.]

[7 *The*, in B and C.]

[8 Added in B and C; *and* omitted in C (1) and C (2).]

Statutum nonum. De fratribus litigantibus et placitantibus cum fratribus[9] *suis, absque licencia aldermanni; et de pena taliter*[10] *litigancium.*

(ix.) None shall go to law, until the quarrel has been laid before the alderman.

[9 *Confratribus*, in B and C.]

[10 *Similiter* in C (1) and C (2).]

Alsoϯ if any man be at heuynesse with any of his bretheryne for any maner [of[11]] trespas, he schal not pursewen him in no maner of courte: but he schal come firste to the alderman, and schewen to hym his greuance. And than the alderman schal sende aftyr that odyr man, and knowen his offence. And than

[11 Added in B and C.]

* The foregoing sentence reads thus in both B and C, with no other difference than the transposition, in C, of the second and third clauses of the sentence as here given from B:—"And who[so, C] despyse the Alderman, in tyme that he syttis for Alderman, or els gyf hym ony reproveable wordys, in disturbellyng and noyaunce of the compeny, he schall pay for his trespas, to y° lyghthys of the gylde befor-seyd, *ij.li.* wax."

ϯ A line comes here, in B and C, as follows:—"Also [*Fyrste*, in C] it is ordeyned be alle the compeny, that."

he schal make eyther of hem for to chesen a brothir of the forsayde companye, or ellys ij. bretheren, for to acorde hem and sett hem at rest and pees. And if these men so chosen, with [the[1]] good mediacion of the alderman, mowe not brynge hem at acorde and at reste, thane may the alderman ȝeuen hem licence for to gone to the comown lawe [yf thei wyll.[2]] And who-so goth to the comown lawe for any playnt or trespas, vn-to the tyme he hath ben at the alderman and don as it is sayde befor, he schal payen [to the encres of the gylde[3]] *xl. d.*, withoute any grace.

[1 Added in B and C.]

[2 Added in B and C.]

[3 Added in B and C.]

(x.) On feast-days, none shall stay after the alderman has gone.

Statutum decimum. De fratribus ut non remaneant in aula, uel in domo officij, post recessum aldermanni; et de pena faciencium contra istud statutum[4].

[4 The last three words are omitted in B and C.]

Also it is ordeyned, be all the comowne assent, that whane any comown drynkyng is made a-mong vs, ther schal no man abiden in the halle, nor in no[5] hows of offyce, no lenger than the alderman aryseth [up[6]], but if it be men of office fore the tyme; in peyne of *ij. lib. wax.* And what man,[7] brothir or sustyr, but if he be any officere, entrith in to the Chambyr ther the ale is in, wythowt lycence of the officers that occupye therin, he schal payen *j. lib. wax.*

[5 *Nonc*, in B.]

[6 Added in B and C.]

[7 *Man*, not in B or C.]

(xi.) None shall bewray the affairs of the gild.

Statutum vndecimum. De ffratribus statuentibus ut fratres[8] *non reuelent extraneis consilium fraternitatis et ordinacionis, et de pena sic*[9] *reuelancium imposita*[10].

[8 *Confratres*, in B and C.]

[9 *Taliter*, in B and C.]

[10 *Posita*, in C (1) and C (2).]

Also it is ordeyned, y^{t} what brothir or sustir that[11] bewreyeth the counsel of this forsayde gylde, or of these ordynaunce, to any othir straunge man or woman, so that the companye be sclaundride or hyndrid, or[12] haue any othir wyllanye ther-by, he schal payne [then[13]], to the ffortheraunce of the forsayde gylde, *xl. d.*, Or ellys he schal lesen the fraternyte for euyr-more.*

[11 *That*, not in C (1) or C (2).]

[12 *Hyndrid, or*, not in B or C.]

[13 Added in B and C.]

* In the margin of this Statute is written, in a later hand, in C (1):—"Commissum discrecioni Aldermannorum et Magistrorum gilde."

*Statutum duodecimum. De obseruacione anniversarij Johannis lyster; et quomodo et quando debet obseruari.**

(xii.) The year-day of good-doers to the gild shall be kept.

Also we haue ordeyned, be all oure comone assent, and be oure othe made, for to kepe the ȝereday of Jon lyster of Cambryge ȝerely, on mydelenton sonday, in sent Clementys chirche, also longe as the gylde endurys, be-cause he gafe vs *iiij. Marc.* in the begynnyng and to the fortheraunce of our gylde.

Two gild-brothers shall have charge of the gift.

And also tho vj. men that chesen the alderman and the Officers, schul[1] chesen othir ij. sufficient men, for to kepen the same *iiij. Marc.*, to bring it in [with the encrese[2]] ȝerely vndyr the same forme that the maystyrs doo. And the same ij. men schal mak ordynaunce for the ȝereday, and for the costys yerof, and make a trwe rekenyng at the next generall day, be the othe that thei haue made to the gylde.[3]

[1 *Thei*, in B.]

[2 Stands in B; but erased, in Trin. Coll. MS.]

[3 A Latin prayer follows in Trin. Coll. MS. Not so in B.]

[Several other ordinances, written by later hands, follow in the Trinity College MS.; all of which are however the same as the last above, save that they are made in favour of those who, in later times, gave their gifts "to the worchyp and fortherauns of our gylde," and are not followed by the Latin prayer. In B., the ordinance is followed by a list of names, with the days on which obits are to be said for each. C (1) and C (2) have an additional and later ordinance,† written in another hand. This is as follows:—]

[In the margin of C (1), but not copied in C (2), are the following entries written in another hand:—] "And the Mastere of the same gylde and alle se ynt euery broder schal haue v. prystes and iiij torchis, to bryng hem to the chirche."

Thys statute is made by the comyne assent of all the bretherne and sisterne of alhallowe yelde, the yere of oure lorde M[l].CCCCC°. IIIJ°. These are the names of them y[t] made this statute by all þe comyn assent:—Fyrst begynnyng, Johan Manfelde, Richart Alwey, Wylliam Askam, Thomas Kelsey, Johan Elys, and Wylliam Wyllys. Thes forsaid men wyll þat euery broþer schall haue at his departyng v. ~~prestis~~;[4] and euery prest to haue *iiij. d.* of the cost of þe gylde: and the whiche prestis to cum to the place

[4 (*sic.*)]

* This Statute is found in B, with necessary variances of name, gift, date of year-day, &c.; but it is not found in C (1) or C (2).

† See the note on p. 278.

wher the said bodi ys, and to bryng him to chirche, and to syng dirige and masse for his soule. And if so be þat þe said broþer be abyll to kepe a dirige and a masse of hys owne proper cost, we wyll þat thys dirige and masse be deferryd tyll þe next day after, and to be sayd in the same chirche wher þe body is byryed. Also we wyll, þat who-so-euer be person, vycary, or parasche prest, for to be oone of the v. prestys; and þe clerke and þe sextene to haue of þe same chirche, *iiij. d.* If so be ther be no sexten, the clerke to haue *iiij. d.* And *vj. d.* for to be gyvyne in brede to pore peple of the same parasche: if ther be any pore brothyr or suster, to haue part theroff. Also we wyll, þat euery syster schall haue at hyr departyng too prestys; and they to haue *viij.d.* of þe cost of þe yelde; and the said prestys for to cum to þe place of the dede body, and to brynge hyr to chyrche, and to syng or say Dyryge for hyr soule.

"Euery brodyre and systere to offyre ffor the sowle at the messe a fardynge, or els to say the thurde parte of oure lady Savtere."

XV.

BRISTOL.

(*a*) Gild of the Fullers.*

The Masters of the craft of Fullers lay some new ordinances before the mayor, &c., of the city.

John Barstaple, Mayor of the town of Bristol, and the Commonalty of the same town, to all to whom these presents shall come, Greeting in the Lord. Know ye, that We, with the assent of the whole Council of the aforesaid town, have seen certain ordinances, made in the present year, ordained by the Masters and good men of the craft of fullers of the same town,

* Mr. Samuel Lucas, writing of Bristol in 1862, found himself obliged to say that "the present officers of the corporation there, conceive it to be their duty to withhold the corporate records from the scrutiny of historical students." (Secularia, p. 102.) What Mr. Lucas thus found in 1862, I have found in 1868. But I wish to be just in fixing the blame. It is not the *Officers*, but the *Corporation* itself, that must be held up to reprobation. The officers would not be narrow-minded if they did not know the narrow-mindedness of those whom they serve. Happily, Bristol stands alone in this respect. From English cities of oldest renown—Winchester, Worcester, Exeter, Coventry—I have met with the most courteous, cordial, and generous help, in my endeavour—with a labour of love not light—to put forth, in this volume, a picture of the spirit of self-help that lived in our middle-age England. And the librarians of Oxford and Cambridge have, with equal courtesy, opened their stores, as well as private manorial owners, and the living representatives of ancient feoffees. Nothing is more pleasant than the acknowledgment of such courtesy. It was reserved for Bristol, alone, among the Bodies and Persons to whom I have applied, to fill in the artistic touch which contrast gives. The Corporation of Bristol has yet to learn that historical documents are the inheritance of the nation, and are not to be hugged as the private possession of a few persons who, happening to be in power, take the Dog in the Manger as their exemplar of conduct. In this case, the conduct of Bristol becomes supremely ridiculous, because it is as practically futile as it is historically criminal. So soon as this work was

and sealed with the seal of the mayoralty of the aforesaid town, as appears by their petition hereafter following, and which is enrolled on the red paper of the Court of Gihald[1], as a record for ever, in these words:—

[1] (*sic.*)

The craft has, of old time, had ordinances enrolled on the city records,

To the honourable and discreet sirs, the Mayor, sheriff, and all the other honourable burgesses of the Common Council of the same town, humbly pray the Masters of the craft of Fullers of the said town: Whereas the said craft has, of old time, had divers ordinances enrolled before you of record in the Gihald of Bristol, in order to put out and do away with all kinds of bad work and deceits which divers people, not knowing the craft,

in order to check frauds and bad work.

from time to time do, as well in fulling cloths as in "pleityng" and "rekkyng," and many other defects in the said cloths; by which defects the town and craft are fallen into bad repute in many places where the said cloths are put to sale, to the great

They now ask the confirmation of old and unrepealed ordinances;

reproach and hindrance of the said craft. Wherefore, may it please your very wise discretions and honourable wisdom, to grant to the said suppliants that all their good ordinances of old time entered of record, and not repealed, be firmly held and kept and duly put in execution; and that four good men of the said craft be chosen by them every year, and sworn before the

authority to appoint four officers, with large powers;

Mayor loyally to present all manner of defects which hereafter shall be found touching the said craft, with power, twice a week, to oversee such defects, and likewise to keep watch over the servants and workmen of the same craft, within the franchise of Bristol, so that the said servants and workmen should not take more wages than of old time is accustomed and ordained. And

announced, Mr. Charles Innes Pocock, a gentleman personally unknown to me, was good enough to offer to place at my disposal a folio volume of MS. extracts from the old records of Bristol. I gladly accepted his offer, and simply wished to collate what I found in this volume with the originals. Every obstruction has been thrown in my way. The volume thus sent to me by Mr. Pocock is, however, written in so unusually clear a hand that the reader, indebted as he is to Mr. Pocock's courtesy, will lose nothing but the possible mistake of a letter here and there, the exactness of which I am unable to test through the narrow-mindedness of the Corporation of Bristol, which will, when too late, be repented of.

besides, discreet sirs, may it please you to grant to the said suppliants the new additions and points below-written, to the profit and amendment of the said craft, and to the honour of the said town. and the confirmation of some new ordinances.

First, it is ordained and agreed that, each year, four men of the craft shall be chosen as Masters, to search every house of the said craft, twice a-week, and oversee all defects in the said cloths, if any such there be; and to present them before you at the court; so that whosoever does such bad work shall pay for the same the full price of the cloth: one half to go to the town, and the other half to the craft, without any pardon or release: and this, over and above all reasonable amends made to the buyer of the cloths. The new ordinances are,— (1) Four searchers shall be chosen.

Also, the Masters of the craft shall not give more to the men of the said craft than fourpence a-day, beginning from the first Monday in Lent till the feast of St. Michael then next ensuing; and, from the said feast of St. Michael till the same Monday in Lent, threepence a-day. And if any of the masters pays more to the workmen than is above ordained, he shall be fined, each time, ij.*s.*; that is to say, xij.*d.* to the commonalty, and xij.*d.* to the craft. And if the men take more from the masters, they shall pay, each time, xij.*d.*; that is to say, vj.*d.* to the commonalty, and vj.*d.* to the craft. And if the men are rebels or contrarious, and will not work, then the four masters shall have power to take them before the Mayor and Court of Gihald of the town, to be there dealt with according to law and reason. And moreover, the said servants shall work and rest in their craft, as well by night as by day, all the year, as has of old time been accustomed. (2) Wages shall be regulated.

Also, whereas certain merchants of Bristol have been used aforetime to have some of their cloths fulled in divers parts of the country round about; which merchants, after the said cloths are thus fulled, seeing well that they cannot be set to sale by reason of their defects, without great amendment and work by the Fullers of Bristol; it is ordained and agreed that henceforth no man of the craft shall full or amend any manner of cloth which (3) Clothes fulled outside the town shall not be touched up by Bristol fullers.

has been thus fulled out of the town, under penalty of vj.*s.* viij.*d.*; that is to say, xl.*d.* to the commonalty, and xl.*d.* to the craft. Saving always that the masters will always be ready to amend cloths which shall be bought between merchant and merchant.

(4) Penalty on the searchers, if they fail in their duties.

Also, it is ordained and agreed that, if the said four Masters do not well and loyally fulfil their office and duty as before said, they shall pay six shillings and eight pence sterling, to be paid to the bailiffs of the town of Bristol, to the use and profit of the commonalty of the said town, without any pardon or gainsaying.

Saving of the power to make further ordinances.

Which ordinances we affirm, ratify, and confirm, for ever; saving always to us, the Mayor and the Council of the town, that if any ordinance, point, or addition, touching the said craft, may be profitable, as well to the town as to the craft, then, by the advise of us and the masters of the said craft, amendment thereof shall be made, these ordinances notwithstanding. In witness whereof, at the special prayer of the said Masters, to guard and maintain their ordinances aforesaid, we have set to these presents the seal of the Mayoralty of the town of Bristol.

Dated the 14th February, 1406.

Done in the Gihald of Bristol, the 14th day of February, in the 7th year of the reign of King Henry, the fourth since the Conquest.

The Mayor, &c., approve the ordinances, and put thereto the Common Seal of the City, in September, 1406.

And we, approving these ordinances, do hereby, for us and our successors, as much as in us lies, confirm them. In witness whereof, at the special request of the said masters and good men of the craft aforesaid, we have hereto put our common seal. Given in the Gihald of Bristol, on the Monday next after the feast of the Nativity of the Blessed Virgin Mary, in the seventh year of the reign of King Henry, the fourth after the Conquest.*

* The first and last paragraphs of the original are in Latin, while the Petition of the Fullers, and their ordinances, are in old Norman French. The whole is valuable, as showing much the same sort of relations to have existed in Bristol, between the Gilds and the Body Corporate, as will presently be seen to have existed in Exeter. Further illustrations of the relations between the Bristol Gilds and the Body Corporate, will be found in "The Office of the Mayor of Bristol," printed in Part III. of this

(*b*) Gild of the Kalenders.

For the consideration of the rites and liberties of the Kalenders, of the fraternitie of the church of All Saincts in Bristow, who were a brotherhood consisting of clergy and laymen, and kept the ancient recordes and mynaments, not onely of the towne, but also of other societies in other remote places of the kingdome. In consideration whereof, there was a commission sent from Walter, bishop of Worcester, unto Robert Harell, rector of Dirham and Deane of Bristow, dated the 18th day of the kalends of June, anno 1318, to warne all persons that had any charters, writings, or privilidges, or mynuments, concerning the liberties or privilidges of the church of All Saincts and fraternities of the Kalenders, to bring them in, and also to enquire the truth of the same, in respect that most of the charters, writings, and recordes were lost and embezeled away, by reason of fire that happened in the place or library that was in the said church of All Sainctes. To the execution of which commission were called and cyted the Abbott and Covent of St. Augustine of Bristow, and divers burgisses in the name of the Mayor and Cominaltie of the same towne, and also all Rectors and Vickers of the same deanery, who appeared some in person and others by theire procurators. These certified the said bishop that, in times past, the said fraternitie was called the Guild or brotherhood of the cominaltie, cleargy, and people of Bristow, and that the place of the congregation of the brethren and sisters of the same was used in the church of the Holy Trinitie of Bristow, in the time of Aylworde Meane and Bristericke his sonne, who were Lordes of Bristow before the last conquest of England. The beginning of which fraternitie did then exceed the memory of man; and did continue successively, after the conquest, the place of meeting of the said fraternitie,

Clergy and laymen belonged to this Gild; their duty being, to keep old records of Bristol and elsewhere.

Inquiry ordered by the Bishop of Worcester A.D. 1318,

many records having been lost or burnt.

By whom the inquiry was made.

Facts proved before them.

Antiquity of the gild.

Begun before the time of William I.

volume. These ordinances of the Fullers, as well as the account of the Kalenders and the ordinances of the Ringers which follow, are printed from Mr. Pocock's MS. volume. See before, p. 283, *note*.

during the time of William the Conqueror, William Rufus, and King Henry the first, and also of Robert Fitzhaymon, Consull of Gloucester and Lorde of Bristowe, and subsequently in the time of King Steeven, who tooke this towne by warre from Robert earle of Gloucester, that was founder of the priory of St. James. And after decease of the said Steeven, and reigne of King Henry the second, who was sonne of Maud the empresse and daughter to King Henry the first, one Robert Fitzharding, a burgis of Bristow, by consent of the said Henry the second and Robert earle of Gloucester, and others that were interessed therein, the said Guild or brotherhood, from the said church of Holy Trinitie unto the church of All Sainctes did translate and bring; and did found a schoole for Jewes and other strangers, to be brought up and instructed in Christianitie under the said fraternitie, and protection of the Mayor of Bristow and monastery of St. Augustine in Bristoll for the time being; which house or schoole is now called the Checker Hall in Wine Street.

In the time of King Henry II. the gild removed from Holy Trinity to All-Saints church.

The gild was then set to keep a school for Jews.

Note here, that the place of Justice called the Tolsey of Bristoll and counsaile house of the same, was builded in the third yeare of king Edward VI., and in the yeare of our Lord 1549; which was many yeares after all these matters above written were mentioned. And the place wherein the said kalenders and library were burned, is the roode loft or chamber next unto the streat, being on the north side of All Sainctes church, over the pictured tombe of queene Elizabeth.

The Tolsey court built A.D. 1549.

The library of the Kalenders was burned in the roodloft of All-Saints church.

(c) GILD OF THE RINGERS.

It is agreed and determined, that every one that is or shall be of the Company or Society of Saint Stephen's Ringers, shall keep all Articles and Decrees that are or shall be specified in this Ordinary concerning the good government and peaceable society of the said Company; and that none shall be of the said Society but those that shall be of honest, peaceable, and good conversation, and such that shall be at all time and times ready to defend whatsoever shall be alledged against the said Company, as well

These articles must be kept by all the ringers.

What men shall belong to the gild.

in regard of any challenge as of any other wrong or injury that shall be offered and done by any one, of what estate or condition soever he be; so that we may not only stop the mouths of those that would or shall exasperate themselves against us, but also gain credit and reputation by our Musical exercise; that others of our rich neighbours, hearing these loud Cymbals with their ears, may, by the sweet harmony thereof, be enlarged in their hearts to pull one string to make it more sweet. And for these and other like causes, We have procured this Ordinary, and do confine and oblige ourselves to these articles following:—

May the sound of our cymbals draw open the purse-strings of the hearers.

1. *Imprimis.* For the choosing of every Master, you shall put three honest men into the Election; and he that hath most voices to pass on his side, shall be Master of the Company of Ringers for the year ensuing.

Choice of a Master.

2. *Item.* For the choosing of Wardens, you shall put four honest men into the Election; and that those two of the four that have most voices shall be Wardens of the said Company for the year ensuing.

Choice of Wardens.

3. *Item.* You shall have four quarter days every year: (that is to say), the 1st, Saint Stephen the Martyr; the 2nd, the Annunciation of the Blessed Virgin Mary; the 3rd, Saint John the Baptist; and the 4th, Saint Michael the Archangel.

Four days of meeting in every year.

4. *Item.* Upon every one of the said quarter days, every one that is a Freeman of the said Company shall pay to the Master for the time being, for his quarteridge, one penny. And if he doth or shall deny or neglect to pay the same, he shall pay, for such his offence, three pence: one penny thereof to the Sexton, and the other two pence to the Company.

Quarterage shall be paid on each of those days.

5. *Item.* Every Master for the time being shall give up his account upon the seventeenth day of November, of all quarteridges and fines as he shall receive in his year. And if he shall deny or neglect, he shall pay, for his offence, the sum of twenty shillings to the Company, of his own proper money.

The Master shall render an account once a year.

6. *Item.* Every Master shall be chosen on Michaelmas day, between five and eight of the clock in the morning. If the Master shall neglect to send the Wardens to warn the Company,

The Master shall be chosen on Michaelmas day.

Penalty for neglect to issue summons.

so that by that means the day be deferred, he shall pay for his offence the sum of six shillings to the Company.

Incomers shall give a breakfast, or pay a fine.

7. *Item.* There shall be none made free of the said Company, unless he give the Company a breakfast, or pay the sum of three shillings and four pence in money.

Penalty on those who, being warned, do not come.

8. *Item.* If the Master for the time being shall send to the Wardens to warn the Company, and if they neglect the same, they shall pay for their offence four pence a piece; one penny thereof to the Sexton, and the other three pence to the Company.

Penalty on the Master, if he fails to warn the rest.

9. *Item.* If the Master for the time being shall neglect or forget to warn the Company, once within every fourteen days, for to ring a bisett sett peale, he shall pay for his offence one shilling, to be divided among the Company.

Penalty on the Sexton for neglect, on notice given of ringing a peal.

10. *Item.* If the Master for the time being shall send to the Sexton concerning a peale that shall be rung, either at night or in the morning, or at any other time that the Master shall please to ring, if he shall deny or neglect to come at the very hour that the Master doth appoint him, he shall pay for his offence two pence, to be divided among the Company.

Fees to the Sexton.

11. *Item.* Every one that is made free of the said Company, shall pay to the Sexton four pence for his fee.

Whoever swears, or makes disturbance, shall pay a penalty.

12. *Item.* If any one of the said Company, after the time that he shall come into the Church to ring, shall curse or swear, or make any noise or disturbance, either in scoffing or unseemly jesting, that the party so offending shall pay for his offence three pence, to be divided as aforesaid.

Whoever tries to ring out of place, shall pay a penalty.

13. *Item.* If any one of the said Company, after the time that he shall come into the Church to ring, shall be so saucy as to take the rope to ring, before the Master for the time being and the eldest of the said Company who have been Masters shall be settled where they please to ring, the party so offending shall pay, for such his offence, two pence; one penny thereof to the Sexton, and the other penny to the Company.

Blundering ringers shall pay a penalty.

14. *Item.* If any one of the said Company shall miss to strike his Bell at the second sway, in the rising of a peale, he shall, for his offence, pay one penny to the Company.

15. *Item.* If any of the said Company shall speak, or make any manner of noise, when the Bells do ring, so that the ringers or any of them by that means may make a fault, the party so offending shall pay for his offence three pence, to be divided among the Company. There must be no talk nor noise while the bells are ringing.

16. *Item.* If any of the said Company shall take a rope out of his fellow's hand, when the Bells [are] doing well, and do make a fault, to fly off or come too near, he shall pay for his offence one penny to the Company. None shall take the rope out of another's hand.

17. *Item.* If any of the said Company do or shall, after they are come together, quarrel or misuse any of the said Company, before they do depart the party so offending shall pay for his offence six pence, to the use of the said Company. Quarrelsome members shall pay a penalty.

18. *Item.* It is agreed that every one that shall be chosen Master of the said Company, shall spend, of his own proper money, the sum of two shillings towards a breakfast; and the rest of the Company to pay the rest of the reckoning. The Master and others shall pay for a breakfast.

19. *Item.* It is agreed that the persons that shall be chosen Wardens shall give unto the Master for the time being a pint of Wine a piece. Each Warden shall give the Master a pint of wine.

20. *Item.* If any one of the said Company shall be chosen Master, and he shall refuse the same, contrary to our Ordinary, he shall pay unto the Company three shillings and four pence. Whoever is chosen Master, and will not serve, shall pay a penalty;

21. *Item.* If any one of the said Company shall be chosen a Warden, and shall refuse the same, he shall pay unto the Company one shilling and six pence. and so with the Wardens.

22. *Item.* If any one of the said Company shall be so rude as to run into the Belfry before he do kneel down and pray, as every christian ought to do, he shall pay, for the first offence, six pence, and for the second he shall be cast out of the Company. Every one must kneel and pray, before going into the belfry.

23. *Item.* If any of the said Company shall deny to pay any fine or fines that shall be imposed on him by the Master or Company, and shall peremptorily stand and contend in the same, he shall, for his offence, pay the sum of two shillings, or else be utterly excluded for ever, without bail or mainprize. Whoever does not pay fines due, shall pay a penalty, or be expelled.

A peal shall be rung every year, in memory of a good-doer to the gild.

24. *Item.* It is agreed that, yearly, there shall be a peale rung, upon the eighth day of October, in remembrance of Mr. William Eyton, deceased; who gave a legacy of four pounds unto the said Company. And if any shall refuse to assist to ring the same peale, warning being given by the Master, he shall pay four pence. And if the Master and Wardens for the time being shall fail to give warning, they shall, for their neglect, pay one shilling a piece to the said Company.*

The same for another good-doer.

25. *Item.* It is agreed that, yearly, there shall be a peale rung, upon the three and twentieth day of November, in remembrance of Mr. George Witherly, deceased; who gave a legacy of five pounds unto the said Company. And if any one shall refuse to assist in ringing the same peale, warning being given by the Master for the time being, he shall pay four pence. And if the Master and Wardens for the time being shall neglect to give such warning, they shall, for such their neglect, forfeit and pay one shilling a piece to the said Company.

The same for another good-doer.

26. *Item.* It is agreed that, yearly, there shall be a peale rung, upon the four and twentieth day of October, in remembrance of Mr. William Nicholls, deceased (being the day of his death); who gave a legacy of five pounds unto the said Company. And if any shall refuse to assist in ringing the same peale, warning being given by the said Master for the time being, he shall pay four pence. And if the Master and Wardens for the time being shall neglect to give such warning, they shall, for such their neglect, forfeit and pay one shilling a piece to the said Company.

The same for another good-doer.

27. And likewise for Mr. Isaac Elton, deceased, who left five pounds, on the twenty second day of November, under the like penalty.

The same for another good-doer.

28. And likewise for Mr. Samuel Wyatt, deceased, who left five pounds, on the eighth day of June, under the like penalty.

* At the end of this ordinance is written, between brackets, as follows: "who deceased in the year one thousand six hundred and fifty six." The dates of the other deaths are not expressly given; but there can be no doubt that the day appointed, in each case, for ringing the peal, was the anniversary of the death.

29. And likewise for Mr. George Escott, who has given five pounds, on the twenty fifth day of April, yearly, under the like penalty. The same for another good-doer.

30. And likewise for Mr. John Maddick, who has given four pounds, on the twenty fifth day of February, yearly, under the like penalty. The same for another good-doer.

NOTE.—The true date of these Ordinances cannot be known. In Mr. Pocock's MS. volume, a number of dates are given, as those of copies made one after the other, and through which this copy has come lineally down. The earliest of the copies thus named is of the year 1620. The internal evidence carries the true date of the original ordinances to a much earlier time, though each copy has, of course, adapted the spelling to its own time. These ordinances bear every characteristic of those of gilds that can be identified as flourishing in the fourteenth and fifteenth centuries. Even the amount of the fines, as well as other internal marks, carry back the date to the same time. In the *Bristol Mirror* of 7th December, 1822, there appeared an account of a meeting of this gild, with the addition of what professed to be some of the ordinances. But the editor must have been made the victim of a hoax. What were thus printed have some likeness to some of those now printed; but they are very incomplete and inaccurate, and are, moreover, disfigured by a fantastic spelling which the writer no doubt thought gave them an air of antiquity, but which, in fact, at once stamps them as spurious. Probably some member of the gild who had seen the original ordinances, quoted those fragments of them from memory, and dressed them up in this fashion under the much mistaken notion that an indefinite multiplying of consonants and misplacing of vowels would make them pass for "early English."

Mr. Pocock's MS. gives many further particulars as to this gild, including the names of the Masters and Wardens up till A.D. 1834, and many fresh memoranda made and ordinances passed, from time to time, since 1620. Of these, two may be quoted; the one of which shows that the gild admitted others than the usual class of mere Ringers; while the other shows that this gild, like all the old gilds of any importance, was accustomed to have its annual feast day, with the obligation on all the bretheren, save such as were specially excused, to be present at the feast. They are as follows:—"Nov. 18, 1700. Admitted Mr. James Hollidge, late sherriffe, who paid his fine, 3.*s.* 8.*d.*; and David Kinlock, Rector of St Stephen Parish, who paid for his admittance 3.*s.* 4.*d.*, as allso 4.*d.* to the Sextone. Paid ye Sextone Woman her dews, 2.*s.* Received by ye Company 1.*l.*"—"17th November, 1701. This day agreed, y^{t} whereas a Bean-feast is annually

held for ye society of Ringers, y^t^ every person of the society, being personally warned, and not giving a sufficient excuse to be allowed off by ye s^d^ society for his not appearing att ye s^d^ feast, shall pay for such default one shilling, to be applyd towards ye discharge of ye said feast."

The fondness of the English people, through long ages, for music, is well known to all students of our history, though there is a vulgar error afloat to the contrary.* The ordinances of several gilds given in this volume have shown how the bretheren and sisteren delighted to go in procession, "with much music"† [*multa melodia*]. But, besides this, there were gilds formed for the express purpose of practising music. Warton gives an interesting account of one of these in his "History of English Poetry."‡ Bishop Percy mentions another in the Essay prefixed to the first volume of his "Reliques."§ Among the Returns made in January, 1389, there is one from the "Gild of the Minstrels and Players" of Lincoln. It has already been seen, in the ordinances of the Gild of St. Katherine of Stamford, how that most charming of all the forms of melody—the ringing of bells in peal—was established, at least as early as 1494, as one mark of honour to the memory of good-doers to the gild.‖ This Bristol Gild of Ringers illustrates the same thing in a very striking manner. Where older gilds appointed *placebo* and *dirige* to be said, with, sometimes, as in the case of Stamford, a peal of bells, this gild kept the anniversary of the death of good-doers by the ringing of a special peal.

The importance attached to church Bell-ringing, as a science, can be carried back, by the help of our English records, to an early date. In Stowe's "Survey of London" is the following passage:—"The same year [1244] the king [Henry III.] commanded the keepers of his works at Westminster, that they should provide for the Abbot of Westminster one strong and good beam, to support the Bells of the king's gift; and deliver the said beam to the sacristan. And in the 39th of the said king, he gave 100 shillings, by payment each half

* More than three hundred years ago, Erasmus remarked the love of music as a special characteristic, distinguishing Englishmen from other European nations. "Jam vero video, naturam, ut singulis mortalibus suam, ita singulis nationibus ac pœne civitatibus, communem quandam insevisse Philautiam. Atque hinc fieri, ut Britanni, *præter alia*, formam, *musicam*, et lautas mensas, proprie sibi vendicent." *Moriæ Encomium*, ed. 1633, p. 115; the prefaratory letter to which work, addressed to Sir Thomas More, bears the date of A.D. 1508.

† See, for examples, before, pp. 148, 149.

‡ Vol. ii. p. 536, ed. 1840.

§ Ed. 1812, p. xlv.

‖ See before, p. 190.

year, to the bretheren of the Guild at Westminster, and their successors, who were assigned to ring the great Bells there, to be paid out of his Exchequer, till the king can provide them the value of 100 shillings Land or Rent." *

Several records are to be found in the Public Record Office as to these Westminster and other Bells. One, of 34 Henry III., desires Edward Odson to make a bigger bell than those he had made the year before; and if he has not metal enough, he must buy it: He must not break up any of the old bells to get the metal: And the new Bell must be ready by the feast of Edward the Confessor.† Next year, Edward of Westminster (no doubt the same man who was, in the last year, called the son of Odo) is desired to make another Bell, to chime in harmony with the Great Bell of Westminster, though not so big.‡ Within a month of the last date, the same Edward of Westminster is desired to buy two little Bells, and to deliver them to the Constable of the Tower of London, to be hung in the Chapel there.§ Four years later, letters patent, still extant in the Public Record Office, were issued (A.D. 1256), granting, to the Gild of Ringers of Westminster, the (for that time) large yearly payment of a hundred shillings out of the treasury, until rents to that amount were settled upon the Gild.‖ It is added, that these bretheren shall have all the liberties and free customs *which they have had, from the time of the blessed Edward, King and Confessor, until now.*** The antiquity of the

* Stow's Survey, Book vi. p. 8, ed. 1720.

† Close Rolls, 34 Hen. III. m. 8.

‡ Close Rolls, 35 Hen. III. m. 19. This entry is so curious that I give the whole of it:—"*De magna campana apud Westm., et aliis fac.*' Mandatum est Edwardo de Westm̃., sicut Rex alias mandauit, quod fieri faciat vnam campanam que respondeat mangne campane. Westm̃., et que non sit eiusdem magnitudinis, dum tamen conuenienter ei per consilium magistri in sono respondeat. Mangnam eciam crucem collocari faciat in Naui ecclesie Westm̃., et emat duos angelos, in modum Cherubyn, ex utraque parte illius crucis collocandos."

§ Close Rolls, 35 Hen. III. m. 16.

‖ The original words are:—"Concessimus pro nobis et heredibus nostris, ffratribus de Gilda Westm̃. qui assignati sunt ad pulsand. magnas campanas," &c. This is the grant mentioned by Stow, as quoted above.

** The original words are:—"Et quod fratres ipsi, et eorum successores inperpetuum, habeant omnes libertates et liberas consuetudines quas habuerunt a tempore beati Edwardi Regis et Confessoris usque ad tempus confectionis presencium." Patent Rolls, 39 Hen. III. m. 12.

The Rev. H. T. Ellacombe, rector of Clyst St. George, Devonshire, has in the press, while this is being written, a work on Bell-Ringing; and, as he and I have exchanged communications on the subject, some of the

Gild of Westminster Ringers is thus put beyond the reach of doubt. And "Big Ben" of Westminster proves to be only the young offspring of a very ancient race.

Other examples might be given. Thus, Birmingham has long been famous for its peals of bells. The Gild of the Holy Cross paid "ffor keping the clocke and the chyme."* In 1552, it was formally recorded that there were, in the old church of St. Martin's of Birmingham, "iiij Belles, with a clock and a chyme." † And a piece of land was, some centuries ago, given to "Lenche's Trust," ‡ which has ever since been called "Bell-rope-croft," and the purpose of which was, and still is, that the income shall "be employed and disposed of for buying of Bell-Ropes for the said Church, and keeping the same in order from time to time."

same facts will probably appear there as here. But Mr. Ellacombe's book will be a full and valuable account of a subject of great interest, at which I here only incidentally glance.

* See before, p. 248.

† See "Memorials of Old Birmingham" (second part, *Men and Names*), p. 91.

‡ See before, p. 251.

XVI.

READING.

The Gild of Reading.

Some hints as to Gilds may be found in old chartularies.

[Among the Harleian MSS. in the British Museum, is a Chartulary of Reading Abbey. In this Chartulary are some entries as to what appears to have been a Gild Merchant in Reading. A complete copy of the ordinances is not given; only what seem to be short heads or memoranda: and these are written in an unusually barbarous kind of Norman-French. A literal translation would be unintelligible. The case is historically valuable, as showing another source whence information as to the old English gilds may be got. It has already been seen how the Archbishops of York, one after another, did what they could to help on the spirit of local self-reliance. And it has been seen how the Bishop of Ely avowed his approval of ordinances that denounced, in the strongest terms, the intermeddling of the clergy in secular affairs. It is well known that many others, not only of the higher ecclesiastics, but of the monastic writers of the chronicles of our history, were among the most earnest asserters of free English institutions. But there were of course some who were overbearing, and who cared nothing for lawful right. Such seems to have been the Abbot of Reading in whose day these entries were made in the Chartulary of Reading Abbey. The following letter will show the bearing which this Abbot took towards the Gild of Reading:—]

The Clergy of York and Ely gave generous help:

but in Reading much the contrary otherwise.

Letter of King Henry VI. to the Warden of the Gild of Reading.

King Henry VI. tells the Warden of Reading Gild that he must bear no mace, if it offends the Abbot of Reading.

Littere Regis Henrici sexti, directe Custodi Gilde de Redyng. Welbeloved, we grete you wel. And how-be-hit that we calle to oure remembraunce how that, at our last beyng at the Towne of Redyng, we licenced you to bere oonly the mase byfore us, so that it be not prejudiciall unto oure Churche and Monasterie of Redyng; yet, nathelesse, ye vse it other-wise than was or is accordyng to oure entent. In-so-much that, as we sithens have clerly perceyved, by scheweng of evidences and credible report made vnto vs of the antique vsage and custume had in the same towne, that hit is contrarie to the ffraunchise and libertees of oure said Church and Monasterie, by oure noble auncestres grauntid and by vs confermed, you to be called or bere, other in name or in signe, other-wise than as keper of the Gilde of Reding, admitted by the Abbot of oure said Monasterie, and not by vs, for to haue any mase or eny other signe of officere or office to be born by you, or any other man, with-in the said town and ffranchise of Redyng, sauyng oonly twoo tipped stafis, to be born by the baylif of thabbottes of our said monasterie, graunted and yeuen to thabbot and conuent of the same oure monasterie at the first ffundacion therof, oute of Court of Marchalsie, eldest of Recorde, with al maner Courtes, plees of dette, of trespasse, and other, and also execucion of the same to be doon by his baylif and by noon other; as in theire charters of graunte and confirmacion more evidently hit appereth. We therfor wolle and charge you straitly, that ye ne vse nor bere any mase nor other signe, nor do to be born by non other personne, with-in the said Towne and ffranchise therof, wherby the interesse and right of oure said monasterie might in any wyse be interrupted or hurted; wiche we ne wolde nor never entended, sauyng oonly the two tipped stafes in maner and fourme as is aboue rehersed, as ye desire to please vs, and wol eschew the contrary. Yeuen vnder oure signet, at Eltham, the xxx, day of Juill.

The Warden of the Gild is only the humble servant of the Abbot of Reading, and must not presume to have any mark of authority save two tipped-staves borne by the Abbot's bailiff.

The Abbot and his bailiff are supreme in that part of the world.

So, Mr. Warden, do not carry a mace, or let any one else carry it. Be content with the two tipped-staves of the Abbot.

XVII.

EXETER.

(*a*) Gild of the Tailors.

[The records of this gild give an instructive example of the character, working, and usefulness, of a middle age Craft-Gild in England, and also of the disagreements that sometimes arose between an influential gild and the governing body of the borough. There is an apparent anomaly on the face of these records; inasmuch as, while a charter was granted to the gild in the sixth year of Edward IV., everything contained in this charter was repealed, by Act of Parliament, on petition of the Mayor and Corporation of Exeter, in the twenty-second year of the same reign: and yet we find the gild afterwards going on, and prospering, and exercising all the powers named in the charter, just the same as if no such Act had passed. And, what seems even stranger, no trace can be found, on the records of the gild, either of the petition of the mayor, or of anything that befel the gild, or was done by the gild, in consequence of that petition and the enactment that followed it.

The only explanation seems to be that, a quarrel having arisen between the corporation and the gild, the former went to extremes; but that, after the prayer of their petition had (perhaps unexpectedly) been granted, the parties came to terms, settled their differences, and mutually agreed to treat the Act of Parliament as a nullity. Certain it is, that the gild and the corporation thenceforth both flourished, side by side, and on the best mutual terms, just as if there had never been any quarrel or act of suppression, and that the authority of the gild was never practically questioned. The charter of Edward IV. was, indeed, again and again recognised and confirmed by later

kings; and fresh ordinances and bye-laws were again and again made by the gild in later times, and sanctioned by the judges in due form of law.

It will be most convenient to give here, *first*, an outline of the original charter; *second*, some particulars of the quarrel that arose between the Gild and the Corporation, and of the transactions that took place thereon, including the Petition of the Mayor and Corporation against the Gild, with the enactment founded thereon; and, afterwards, the Ordinances of the gild, with some illustrations of their practical working. For, though the greater part of those Ordinances were made and in use before the date of the Petition, the original ordinances, with the additions made to them from time to time, endured for centuries after the Petition and the enactment founded on it had been forgotten.]

(1) Charter of Edward IV.*

By these Letters Patent, the King, for himself, his heirs and successors, so far as he has power, enables his leiges of the

* I here use, unwillingly, the word "Charter," in conformity with custom. It would be more accurate to speak of all such documents as "Letters Patent." A "Charter" is, properly, the dealing with some property that a man has of his own, and which, by the Charter, he gives over to some one else. The grant of Jurisdiction is quite a different thing.

I give only an outline of these Letters Patent, as the most important parts of them are fully set forth in the King's Award and in the Petition which follow, though other parts are there ingeniously suppressed.

The original Charter (Latin) is in the archives of the Corporation of Exeter. In 1863, I wrote to the Town-Clerk of Exeter, asking if there were, in the archives of the Corporation, any traces of this gild—the Petition and Enactment as to it being then well known to me. He replied that there were none. But the Corporation of Exeter, wiser than many others, bethought themselves, thereupon, that it would be well to know what really was contained in their archives. They were happy enough to engage the services of Mr. Stuart Moore, a gentleman not only of great experience in such matters, but who takes a lively and intelligent interest in them. Under his skilfully applied wand it is that, knowing what I have been seeking, the discovery has been made of all the records here given as to this gild, except that which I had already found on the Rolls of Parliament. But I must acknowledge the ready allowance, by the Corporation of Exeter, of the making of any extracts that I wished to use for the present work.

Craft of Tailors in the city of Exeter, to establish a gild of the men of the said craft, and others; to maintain and encrease it; and to choose a Master and four Wardens. They may wear a livery, and hold meetings, and have feasts, and make such ordinances as they think best. The gild shall be a Body Corporate, and have a Common Seal, and may plead and be impleaded by the name of the Body Corporate. The Master and Wardens shall control the gild, and amend the misdoings of any of its members or their servants. No one shall have a board or shop of that craft, unless free of the city; nor shall any one be let join the gild unless known to be good and faithful. The Master and Wardens shall have a general controul over the craft of tailors, and over others joining the gild, and their crafts; and may, with the consent of the Mayor of the city for the time being, amend all defaults found. None else shall have such controul, except the said Master and Wardens, or the Mayor and his deputies. Given at Westminster, on 17th November, 6 E. IV. (A.D. 1466).

A Gild of Tailors shall be founded in Exeter;

who shall choose officers, wear a livery, hold feasts, make ordinances, be a body corporate, and have a common seal.

The Master and Wardens shall have control over tailors and others of the gild.

Dated 17 November, 1466.

[Below is written]:— By writ of privy seal, and by authority of Parliament, on the date aforesaid;* and for forty shillings paid into the hanaper.

[A fragment of the Great Seal still remains attached to the original charter. This charter is recited at full length in, and confirmed by, "inspeximus" charters of Henry VIII., Edward VI., Philip and Mary, and Elizabeth.]

* No authority of Parliament is, in fact, named in the Charter. The "authority of Parliament" thus invoked, seems to be what is implied in the Act of Resumption of 4 Ed. IV.; in which Act all Letters Patent granted to "the Wardeyn or Maistres of any Craft or Craftes," and also the "Graunte of Licence by the Kyng to founde or make any Fraternite, Gylde," &c., are recognised and declared to be good; a recognition which is repeated in the Act of Resumption of 7 Ed. IV. See further as to these Acts in the *Introduction*.

(2) Quarrel between the Gild and the Corporation.

[The quarrel between the Tailors' Gild and the Corporation seems to have begun within a short time after the grant of the foregoing Charter, and to have been carried on with great heat. In a large folio volume, compiled by John Vowell, *alias* Hoker,* Chamberlain of Exeter in the time of Elizabeth, and which still remains in MS. among the records of the Corporation, is found the following passage, under date of 15 Edward IV. :—]

A great quarrel between the City and the Gild.

Md: that, this yere, there was a greate controversye betwene the Mayor and Citesens of the one partie, and the companye of the Taylors of the other partie, for and concernynge a new incorporacion wch the saide company of Taylors had procured from the kinge; whereof ensued greate trobles, longe and chardgeble suetes. But, after too yeres, the kinge ended the same, and delyvered his determynation, under his privie seale, unto Mr. Peter Courteneye, then Deane of the Cathedrall Churche of St. Peters in this Citie; and he delyvered the same to bothe parties. And, albeit this was a fynall order of all suetes yn lawe, yet the malyce and grecff wch was conceved hereof could not, yn longe tyme, be satisfied nor appeased.

It was ended by the King's Award;

but much soreness was long left.

[The truth of this "Memorandum" is fully borne out by numerous entries found in the Corporation records. In an old paper book, of contemporary date, mention is made, in 16 E. IV., of the disfranchisement of several tailors by name; and the command is issued that "non inhabitant shall, from hensforth, make no garneamentes wt ony taylor underneth writen and disfranchised, ne wyth no noder of there opinion, uppon payne, for the fyrste gylte, xl.*d.* : and for the second gylte, vi.*s.* viij.*d.*; and the iij. gylte, to lese his franches." Some tailors who were on the city council were even refused the usual gifts, of

* Hoker's Memorials were largely used in Izacke's "Antiquities of Exeter."

wine and canon bread, made at Christmas to the members of that body; while some men are found to have been of souls so mean that, to keep the city franchise, they "renunced the charto^r purchased by the taylo^rys contrary to the liberties of the cite, and euery poynte of the same, and the use of h^t, by ther oth made vppon the crucifyxe and the holy Euangelistes." * But, on September 22, 17 E. IV. (that is, after the King's Award), we find that, "in opyn Court, the Mayer and baylleffes, by the assent of the xxiiij^ti, at instans and contemplacyon of owre soverayne lord the kyng, according to certyn instrucyons bynethe wretin,† toke, reputed, and declared the said persones nott discomened nor disfraunchesid for any matter or cause touchyng the variances bytwext the sayd Mayer, baileffes, and Communalte, on the tone party, and the Maister and Wardens of the craft of Taylours, yn the other party, passid before this tyme."

On the other hand, it seems that the Tailors' gild tried to carry their charter into active effect with a very high hand. Doubtless the facts were highly coloured by the corporation officers; but on the Rolls of the Mayor's Court of Exeter, during the 15th, 16th, and 17th years of E. IV., there are found many presentments, which set forth how divers of the gild have tried to enforce the payment, by tailors in the town, of their fees to the gild; and we are told, in the extraordinary Latin of the day, how, "modo guerrino arraiati, vi et armis, videlicet jackis, doblettis of defence, swerdis, bokelers, gleyves and stavys, in domo" of the offender they went, and beat and threatened certain men who held out. Sometimes their weapons are described as "arcubus, glayvis, baculis, et daggariis," or as "gladiis et daggariis;" but the object is always the same. In one instance the offence is aggravated by one of the wrong-doers being further presented as playing dice and cards within the city.

All these things were going on during the 15th, 16th, and 17th years of E. IV. Meantime, the corporation was sparing no expense to get up a case against the gild. Entries are found

* It must have been cases of this kind which roused the indignant action of the gild, of which an example will be found after, p. 323.

† These are what are given on the next page, under the head of *The King's Award.*

in the Receivers' Accounts, and elsewhere, of moneys paid, again and again, to those going to London "pro materia Cissorum;" for large expenses incurred in the same matter from time to time; for horse-hire in riding to Taunton to get some evidence, and getting it written out under the common seal of Taunton; and for taking that evidence up to London, &c. &c.

At length the matter was brought before the king in council; and the following is the curious record of the award made:—]

(3) The King's Award.

[The original bears the marginal notes that follow:—]

"A greate controversye betweene the Citie and the Taylors."

Memorand: that, concerning this corporacion, greate trobles grewe betweene the Mayer and Comminalte of thone partie, and the company of the saide Taylors of thother partie; Thone supposinge the new graunted Charter to be prejudiciall, and agaynst the lyberties of the Citie, and thother parte, beinge men of good welthe and countenance, and sundrie of theyme then of the common counsell of the Citie, standinge upon theire reputation, and myndynge not to take the foyle, stande to meaneteane and defende theyre cause. Whereupon fell and folowed greate trobles and enemitie: for some were disfraunchised, some imprysoned, some theire shop windows shutt downe; and soche of theym as were of the common counsell were excluded. And by that meanes the matter was brought yn question before the kinge; who, takinge the hiringe and determynation thereof yn to his owne handes, dyd decyde and ende the controversie, and by decree did sett downe his fynall order and determynation, wch is as folowethe:—

"The controversie is compromytted to the kynge."

> The Decree and order of kinge Edwarde the fourthe, for the endinge and appeasinge of the controversies and variaunces betweene the Mayer, bayliffes, and communalte of the citie of Excester, of thone partie, and the company of the Taylors of the same, of the other partie.

"The kynge, by thadvise of his counsell and consent of the parties,

Oure sovereigne lorde, willinge allwyse to sett a fynall ende and concorde betwexte the Mayor, bayliffes, and communalte, of

the citie of Exceter, yn that one partie, and the crafte of Taylors of the saide Citie, yn that other partie, yn appeasinge the varyaunces of the saide parties; by the advise of the lordes spirituall and temporall of his greate counseyll, yn his palleys of Westmynster, the xxij. of ffeverer, the xvj^t^. yere of his reigne, yn presence of Richerd Wagot and John Sayer, proctors and atturneys of the saide Mayer, bayliffes, and communes, and Richerd Tournour and William Sengill, proctors and atturneys of the Master and Wardens of the sayde crafte of Taylours, askinge instantly a fynall decree and judgement to be given and made yn this behalffe: It was consydered, advised, and finally decreed, judged, and determyned, yn manner and forme as folowethe:—

maketho a fynall ende and determynation."

[Both parties having appeared by their attorneys.]

ffyrst, that the Master and Wardons of the fraternitie and crafte of Taylors and successors, shall use theire saide letters patentes after the manor of the same unto this clause:—"Ac eligere, habere, et facere possint, unum magistrum et quatuor custodes de se ipsis, quotiens eis placuerit vel opus fuerit, pro gubernatione, custodia, et regimine, fraternitatis predicte imperpetuum:" —wch clause the saide Master, Wardens, and companye, and theire successors, shall use yn this wyse; that is to saye, as often as any election shalbe made of the master and wardens of the saide crafte, suche master and wardens shalbe chosen of men of the same crafte onely and none other.

"The Master and Wardens of the Taylors shalbe onelye chosen [of] men of the same occupation."

Item, where it is conteigned yn another clause of the saide letters patentes yn these words:—"Ibidem facere ordinationes inter seipsos, prout sibi viderint magis necessarios et oportunos, pro meliori gubernatione fraternitatis predicte:"—The saide Master, Wardens, and theire successors, shall make no suche ordynaunces, by force of the saide wordes, that shalbe prejudiciall or derogatyve to the lyberties, ffranchasies, right and laufull customes, of the bisshop, Deane and chapter, Mayer, bayliffs, and communalte, nor to any of their successors.

"The M^r^ and Wardens shall make no order prejudiciall to the lyberties of the byshop and his churche, or to the Mayer and Citie."

Item, where it is conteyned yn the seide letters patentes:— "Quod fraternitatem predictam sive misterium, infra civitatem et in suburbis ejusdem, ordinare et regulare, et defectus

eorundem ac servientium suorum, per visum proborum hominum et magis sufficientium de mistera illa, corrigere et emendare, possint:"—Thoughe the saide wordes be generall, the saide master, wardens, and theire successors, shall ordeigne and rule the saide fraternitie and mysterie w^th^in the jurisdition of the said Citie onelye; and the defaultes of theym that be of the saide crafte, and theire servauntes, yn suche thinges as to theire saide crafte of Taylors onely belongethe, w^th^in the saide jurisdiction of the saide Citie, and yn none other place, shall onely correcte and amende; the franchasies, liberties, righte, and lauffull customes of the saide Mayer bayliffes and communalte allwayes saved.

"The M^r and Wardens shall governe the mysterye w^th^in the jurisdition of the Citie onelye, and to reforme the defaultes of that mystery onelye."

Item, where it is conteigned yn a-nother clause yn the saide letters patentes:—"Quod nullus, infrà libertatem illam civitatis predicte, mensam vel shopam de mistera illa teneat, nisi sit de libertate civitatis predicte; nec aliquis ad libertatem illam pro mistera illa admittatur, nisi per predictos magistrum et custodes et successores suos testificetur quod bonus, fidelis, et idoneus sit pro eisdem:"—The saide M^r, Wardens, and theire successors, if they testifie to the saide Mayre and bayliffes for the tyme beinge that any person be good, trew, and hable for the same crafte, other then have benne prentyse or ought to be free there by theire birthe, And thereupon desire the saide Mayor and bayliffes to make him a freeman of the saide citie yn the same crafte; Then he so presented to be by theym admitted. But if it be so that the saide Mayor and bayliffes understaunde him that sholde be made free be not of good disposition, nor good conversation, in wch case the saide Mayor and bayliffes shall mowe, by theire discresion, refuse to make him a ffree man of the saide citie yn the saide crafte. And if so be that there be any person of the same crafte, that is good, trewe, and hable to be made a freeman of the saide Citie yn the saide crafte, wch the saide Master and Wardens refuse to testifie hable to the saide Mayor and bayliffes of the saide Citie; Then the saide Mayer and bayliffes for the time beinge do call before theym the saide M^r^ and

"No person to be admitted to the freedome of the citie in that crafte oneles it be furst testified by the M^r^ and Wardens unto the Mayer that he is an honest and a meete man."

"If the M^r^ and Wardens do refuse to present a man honest and mete for the lyberties of the Citie unto the Mayer, then the Mayer by the advise of the xxiiij. to take order."

Wardens, to shew if they have any cause resonable why the saide person sholde not be made ffree man of the same crafte. And thereupon the same Mayer and bayliffes, callinge unto theym the xxiiij^{or} of the commun counsell, or the more parte of theym, and delyberation had upon the cause so to be shewed, shall mowe refuse, or admytt, the saide person to be a ffreeman of the saide craftes after theire descretion.

Item, where yn another clause conteigned yn the saide letters patentes it is conteigned :—" Quod predicti Magister et custodes, et successores sui, Magistri et custodes fraternitatis predicte pro tempore existentes, imperpetuum habeant et faciant plenum scrutinium in et de mistera predicta, ac omnibus aliis personis qui cum scissoribus infra dictam civitatem nostram et suburbia ejusdem privilegiati existant seu existent: et de talibus misteris quibus ipsi seu eorum aliquis utuntur seu utitur, vel ante hec tempora usi fuerunt vel usus fuit: ac omnes defectus inter eos inventos, secundum descretiones suas, per supervisum majoris dicte civitatis nostre pro tempore existentis, corrigere et reformare valeant :"—The saide Mr Wardens and successors shall have and make full serche of and yn the foresayde crafte, onelye wthin the jurisdition of the citie, and no where ells: and the defaultes founden there touchinge the saide crafte of Taylors, onely, after theire descretion to amende and reforme; The lyberties, franchases, right and lauffull costomes of the mayer bayliffes and communalte and theire successors allwayes saved.

"The M^{r} and Wardens shall make serche onelye wthin the jurisdition of the citie and touchinge the saide crafte onelye."

Item, that the saide M^{r} and Wardens, and theire successors, shall use theire letters patentes yn all thinges not repugnant to the premisses, nor any of theyme, wthout interruption of the saide Bisshop, Deane and Chapter, Mayer, bayliffes, and communalte, and theire successors: the lyberties, ffranchasies, right liberties, and lauffull customes of the saide Mayer, bayliffes, and communalte, alwayes saved: Provided allwaye, that if any difficultie or ambiguitie yn understandinge or usinge of the premisses, or any of theyme, be had or moved betwene the sayde parties, that then the interpretation and determynacion thereof be refferred unto o^{r} sovereigne lorde the kinge and his counsell.

"The M^{r} and Wardens wthout interruption shall use theire letters patentes, beinge not repugnant to this order."

"All doubtes to be refferred to the kinge and the counsell."

* NOTE.—Since these pages as to the gilds of Exeter were put in type, some facts have been found, which somewhat modify what is said before, p. 299; and which show with great clearness how doggedly the Corporation harassed this gild, through its earlier years. Having urged upon Mr. Moore (see before, p. 300, *note*) that there must be some traces among the records of the Corporation, giving fuller details as to the facts, and the costs, of the proceedings taken, he at length found several entries, in the old account books of the Receiver of Exeter, which throw much light upon the whole matter.

The following is the substance of some of these (the originals being in Latin):—

Proceedings in London against the Gild of Tailors.

14–15 Ed. IV. My [John Att Wyll's] expenses in London, against the Tailors, xxvj.*s.* viij.*d.* Also paid to Master Thomas Elyot going to London in the same matter, xl.*s.*

The Town Council send a man to Taunton to pick up proofs against the Gild.

16–17 Ed. IV. Paid to John Lang, by order of the xxiiij^{or}, to ride to Taunton and elsewhere, to gather proofs (*pro litteris testimonialibus*) against the Tailors, vj.*s.* viij.*d.*

He writes out a proof, and gets the Common Seal of Taunton put to it.

And for writing out one proof at Taunton, x.*d.* And for getting the Common Seal of that town put thereto, xl.*d.* And for the hire of a horse for John Lang to ride to Taunton in two stages, for eight days, ij.*s.* viij.*d.* And to John Bysshop for the carriage of the same proof to London, among other despatches (*et aliis literis*), viij.*d.*

The proof is sent to London.

The Mayor, Town-Clerk (?), and Council hold a wine-party, to celebrate their triumph in the King's Award.

And for wine, in the house of Mathew Jubbe, for the Mayor, John Denys, and the xxiiij, after communication had, in the church of St. Peter, with John Fortescue and John Courtenay, the King's Commissioners, viij.*d.*

This wine was thus jovially quaffed when the making of the King's Award was made known to the officials. But the matter did not end there. See the extract given before, p. 302.

Heavy costs incurred in the matter of the Private Bill for annulling the Charter of the Gild of Tailors.

22 Ed. IV. Added at the end of the accounts of 20–21 Ed. IV., is the following remarkable entry:—But afterwards, namely on the 10th January in the 22nd year of Ed. IV., John Kelly paid to John Atwyll and Mathew Jubbe, for annulling the charter of the Tailors (*pro adnullacione carte Sissorum*), by assent of the xxiiij^{or}, xxxij.*li.*; together with viij.*li.*, in discharge of Roger Werth, for moneys paid to the King. And viij.*s.* and ij.*d.*, the balance, was given, by the grace of the city, to the Gild of Corpus Christi, to lighten their charges this year. And so all are quits.

The foregoing paragraph seems to show that a sum of money,—a very large one for those days,—had been voted by the xxiiij (i.e. the Town Council), in order to procure the final abasement of the Gild of Tailors; and that this statement of account was taken to be a final

balance-sheet upon the whole affair, finished off with a gracious gift of the small balance left. The following entry shows that this belief was as vain a one as was the hope that the Tailors' Gild had, by this costly expenditure, been crushed.

Further heavy costs found to have been incurred in the matter of this Private Bill.

22–23 Ed. IV. For the expenses of the Receiver, about the business of the city, in London, lvj.*s.* viij.*d.* And for the expenses of John Attwyll about the business of the city, during Parliament, touching the annulling of the charter of the Tailors and others, lxxix.*s.* viij.*d.* And for work done (*pro laboribus*) by the same Receiver and John, iiij.*li.*

While the first two entries above given seem to refer to the fight which was, at the time, thought to be ended by the King's Award, the last two unquestionably refer wholly to the management of the Petition which next follows. I think I may safely say that they give us the earliest account of the costs of soliciting a Private Bill in Parliament that is known to exist.

(4) Petition to Parliament, and Enactment thereon, in the Twenty-second Year of Edward IV.*

Per majore, Ballivis, et Communitate, Ciuitatis Exon.

Item, quedam alia Peticio exhibita fuit prefato Domino Regi, in presenti parliamento, per Majorem, Ballivos, et Communitatem Civitatis Exon' in Com' Deuon', in hec verba :—

The mayor, bailiffs, and commonalty of Exeter petition.

To the kyng oure Souereign Lord; In most humble wise shewith unto youre Highnes and good grace, your true and feithfull Subjettes, the Mayer, Baillifes, and Comynalte of youre Cite of Exeter in the Countie of Deuon'; that where the seide Cite is, and of tyme that no mynde ys hath bene, an olde Cite corporate, of Maier, Baillifs, and Comynaltee, And the Mayer therof for the tyme beyng, by all the seid tyme, hath had and used to haue the entier rule, ouersight, and gouuernaunce, of all Marchaunts, Mercers, Drapers, Grocers, Taillours, and all other artificers, inhabitaunts within the same, and the correccion and punysshement of all offences within the seid Cite, by theym or any of theym, or any other persone, there commytted, ayenst youre lawes, the commune wele, politike rule, and goode gidyng of the same Cite, under the proteccioun and grace of youre Highnes and of youre noble progenitours. Which

Exeter has been a city corporate time out of mind,

and the mayor has had undivided governance there.

* From the original Roll of Parliament in the Public Record Office.

All went well till the tailors got a charter, sixteen years ago, enabling them to found a gild, and to choose a master and wardens, who shall have large powers.

Cite, by the said tyme, hath ben well and quietly gidid, in goode tranquillite, peas, and quiete of the same; unto nowe late, that the men of the Crafte of Taillours within the same Cite, by supplicacoun made unto youre Highnes, opteyned youre Letters Patentes, beryng date the xvijth day of Nouembere the vjth yere of youre most noble reign, that they, in the same Cite, a Gilde or ffraternyte, in the honor of seint John Baptist, of the men of the seid Crafte and other, myght make, vnye, founde, create, erecte, and stablissh; And that Gilde or ffraternite, so vnyed, founded, create, erecte, and stablisshed, to haue, holde and enyoie, to theym and to ther successours for ever; And that they the same Gilde or fraternyte myght augumente and enlarge, as ofte and when it shuld seme to theym necessarie and behoufull; And that the men of that Gilde or fraternyte, in the honor of seint John Baptist, euery yere myght haue, holde, and encrease the seid Gilde or fraternyte of the seid Taillours, and other persones, that they shuld receyue in-to the seid fraternyte, and chese, haue, and make, a Maister and iiij. Wardyns of theym-self, as oft as it shall please theym, or nede shuld be, for the gouernaunce of the kepyng and rule of the same fraternyte for ever, as best shuld please theym; And to make Ordenaunces among theym-self, as to theym myght be-seme most necessarie and behouefull for the seid fraternyte; And ouer that, that the same Master and Wardeyns, and their successours, shuld be perpetuall and haue capacite; And over that, that they the seid fraternite or Maister, within youre seid Cite, and in the Subburbis of the same, myght ordeign and rule, and the defautes of theym and of there seruauntes, by the sight of men of the same Misterie, correcte and amende, as shall by theym seme best to be doon; And that no man within the liberte of the seid Cite, any borde or shoppe of the seid Misterie shuld holde, but if he were of the Libertie of the seid Cite; nor any man to the libertie or fredome of the same Cite, for the seid Mistere, shulde be admytted, but by the seid Maister and Wardeyns, or their successours, it be witnessed that he were goode, true, and behouefull for theym; And that the seid Maister and Wardeyns, and their successours,

Maisters and Wardeyns of the saide fraternyte for the tyme beyng, for euer, haue and make playne serche, in and of the seid Misterie, of all persouns that with Taillours within the seid Cite and subburbis therof were or shuld be preuyleged, and of suche Misterie that they or any of theym use or before had used. By force of which letters patentes, the seid men of the seid Craft haue made a Gylde and fraternyte of seynt John Baptist within the same Cite, and of theym-self a Maister and iiij. Wardeyns, and haue taken into ther seid Gilde, and daily doon, many inhabitauntes of the same Cite, and dyvers craftes other than of theym-self, and dyvers other not inhabitauntes within the same Cite; by the which they be in such grete number, and many of the same Gilde and fraternyte been of such evill disposicoun and unpesible, that the Maier of the seid Cite may not gyde and rule the people youre Subgettes of the same, nor correcte suche defautes as ought by hym to be correcte, for the wele of youre peas, and goode gydyng of the seid Cite, accordyng to his oth, dutie, and charge. And over this, they oft-tymes haue made and caused to be made dyuers Conuenticles, commocions, and grete division amonges youre people there, contrarie to youre lawes and peas, in euyll example, and likly to growe to the submercion[1] and distruccion of the same Cite, and of the goode, sadde, and polityk rule of the same, withoute due remedy be had by youre goode grace in this behalf.

The tailors have done it,

and their gild has greatly flourished;

and so the mayor finds himself no longer with undivided sway.

And the gild-folks hold conventicles.

All this is very alarming.

[1] (*sic.*)

Please it youre Highnes, of youre most benyng grace, considerying the premisses, by thadwys of youre lordes spirituell and temporell, and the communes, in this present Parlement assembled, and by auctorite of the same, to ordeyn, stablissh, and enacte, that the seid letters patentes, and every thyng conteigned in the same, And the seid Gilde and fraternyte, and all thyng perteynyng to the same Gilde and fraternyte, be irrite, cassed, adnulled, voide, and of noo force nor effect: Any Acte, Ordynaunce, or Provision, by parliament or otherwise made or had, in any wise notwithstondyng.

So we pray that Parliament will quash the Letters Patent and the gild also.

Qua quidem Peticione in parliamento predicto lecta, audita,

The lords spiritual and temporal and the commons

et plenius intellecta, de auisamento Dominorum spiritualium et temporalium, ac assensu communitatis regni Anglie, in dicto parliamento conuocatorum, et auctoritate ejusdem, respondebatur eidem in forma sequenti :—

grant the prayer of the petition.

*Soit fait come il est desire.**

(5) Ordinances of the Gild.†

These are the ordinances of the gild, established by consent of the craft.

To the worship of God, and of oure Lady Seynte Marye, and of Seynt John the Baptyste, and of alle Halowys, thes beth the Ordenaunce made and astabled of the ffraternyte of crafte of Taylorys, of the Cyte of Exceter, by asente and consente of the ffraternyte of crafte afforesayd y-gedered there to-gedere, ffor ever more to yndewre.

The master and wardens shall meet regularly, in the common hall, to deal with the affairs of the gild.

ffyrste, hyt ys ordened, by wertu of the charters i-graunted by oure souerayn Lorde the Kinge Edwarde the iiij.te, the vj. yere of his rayne,‡ that the M. of the fforsayde crafte ffor the tyme beynge, every þursday,§ to be at the common halle, or els a debet

* The above Petition and Answer form what is now called a "*Private Act.*" All Private Acts, as well as the Bills on which they are founded, are, even at this day, formally begun by a Petition to the Crown. It will be seen that the Petition is here expressly declared (p. 309) to have been "exhibita Domino Regi, *in presenti parliamento.*" See note, p. 308.

† From the original in the archives of the Corporation of Exeter. Mr. Stuart Moore has found three volumes, containing the record of the affairs of this Gild from its beginning until its end, which latter befell no longer ago than the second quarter of the present century; whereupon the Gild Records were given to the Corporation. The first two volumes appear to have been very blunderingly bound, vol. ii. being put before vol. i., and many leaves of vol. i. being transposed.

The first eight of the ordinances that follow, are written in a different hand from the remainder of this group; but all of this group, as well as the oaths, seem to have been written in the time of Ed. IV. Later ordinances will be found further on.

I have put the extracts, as far as I am able, into chronological order, without regard to the accident of the manner in which they are bound up together.

‡ "Edward the iiij.te" has been altered, by a later hand, to "Harry viij.to, the ij. yere." This proves that these ordinances were kept in use during all the time between.

§ The words "every þursday" have been crossed out by a later hand.

ffor hym, [to alle tymes wen nede schall requer *], apoun payne of ij.*li.* of wex. And every Wardon that ys absent wt-oute cause resnabyll, schall pay a *li.* of wex to the usse and profyt of the forsayde ffraternyte. And the fforsayde M. and Wardonys that the be there every þursday asyned,† at ix. at clocke, and there to ordenne and rewle that may be ffor the welle of the ffraternyte and crafte a fforsayde, and non to do wt owte yoder.

Every full craftsman, worth 20*l.*, shall belong to the gild, and shall pay 12*d.* a year for the feast; and also pay for his livery within a month after Midsummer.

Also hyt ys i-ordenyd, by the M. and Wardonys yand the common counsell afforesayd, that every person þt ys preuelage wt the crafte aforesayde, that ys of the waylore of xx.*li.* of goodes, and aboffe, schalbe of M. ys ffeleschipe and cloþynge. And every person that ys of the feleshippe and the forsayde crafte, schalle pay, euery yere, ffor hys ffeste, at Myssomere, xij.*d.* and hys offrynge; and for hys cloþynge, as hyt comyth to wtyn monyth a-poun Myssomere day; a-poun payne to be putte owte of the forsayde ffraternyte and crafte for euer more. And euery person that is so admytted schall paye a spone of sylver, weyng an vnce, and the ffasshone.

He shall also give a silver spoon, weighing an ounce, and made in the fashion.

Also hyt ys ordenyd, that euery yowte Brodere that ys nott preuelage of the forsayde ffraternyte and Gylde, schalle pay, euery yere, vj.*d.* at Myssomere. And yf he refusse to pay thys wtyn a monyth apoun Myssomere, to be thysmyste frome the forsayde fraternyte and gylde ffor euer more.

Craftsmen outside the liverymen, shall pay 6*d.* a year.

Also hyt ys ordened, that alle the ffeleshyppe of the Bachelerys schall hollen ther ffeste at Synte John-ys day in harwaste. And euery person that ys a schoppe-holder of the forsayd ffeleshyppe and crafte, schall pay, to the forsayde ffeste, viij.*d.* and hys offrynge. And euery seruaunt that ffangyth wagys, schalle pay vj.*d.* to the forsayde ffeste. And euery yowte Broder that ys of the forsayde ffeleshipe, schallen pay, euery yere, iiij.*d.* And yf yeny of the ffeleshipe and crafte a-forsayde reffuse to pay thys, that then the namys of them be sertefyed to the M. and War-

There shall be a feast on St. John's day: every shopholder paying 8*d.* towards it, and every servant at wages paying 6*d.*

Other bretheren shall pay 4*d.*

* The words between brackets have been added in a later hand, clearly in substitution for the "every þursday" crossed out just before.

† "þurs" has been crossed out, and "asyned" added. See the two foregoing notes.

donys, that the may do correccion theryn, as longyth to them to doo, acordynge to chartere grawnted by the Soveryne Lord the Kinge Edward the iiij., the vj. yere of his rayn,* by asent and consente of the Mayre, Bayleffys, and commons of the Cyte of Excetere, ffor euer to yn-dewre.

Payments shall be made by free sewers, [i e. stitchers.]

Also hyt ys ordened, by the fforsayd M. and Wardonys and ffeleshyppe of the ffraternyte and crafte afforsayde, that euery seruant that ys of the forsayd crafte, that takyt wagys to the waylor of xx.*s.* and a-boffe, schall pay xx.*d.* to be a ffre sawere to us and profyth [of the] aforsayd fraternyte; that no man of the forsayde crafte set no new sawer a-warcke a-bofe the spasse of xv. days, and then to brynge hym to-fore the M. and Wardonys, and ther to pay hys xx.*d.* to be made ffre sawere, or elys to ffynde a surte; † or elles the same schopholder, so kepyng any seruaunt, beyng no free sower, other then aforeseyd, to forfett to the seyd felyschypp xx.*d.*

Whoever is employed for 15 days, shall be made a free sewer; and his master shall pay his 20*d.*, or find surety.

Also ‡ hyt es ordened, by the M. and Wardonys affore-sayd, that yf any person of the fforsayde crafte that ys ibounde to pay any dewte ouer to the forsayd M. and Wardonys, and brecke hys day by the spasse of halffe a yere, shallen fforfett hes holle bonde. Prowyded all-way, that yf any person or personys affore-sayd that fallyth yn pofferte, and he will testefy so by hes oyth, shall be dyscharged of hes bonde and dewte, and to have a sustenans by the fforsayd crafte as cane be thofte, by ther dys-crescyon, convenyent and resounabyll.§

Bonds shall be forfeited on non-payment of dues;

but those fallen into poverty shall be released, and shall be helped.

* Altered to "Harry the viij., the ij. yere." See notes on last page.

† The passage from "or" to "xx.*d.*" has been added in a hand that seems *temp.* Elizabeth.

‡ An ordinance was originally written between this and the foregoing, but has been carefully scratched through with a pen. All that can be made out (and the sense shows that parts of the last two lines are doubtful) is as follows:—

"Also hyt ys ordened, by the M. and Wardonys afforesayde, yf ther be yeny man of the fforsayde crafte, utter yeny ware of the ffaylor of xx.*s.*, schall have iiij.*d.* and x.*s.* ij.*d.* and v.*s.* j.*d.* And this . . . . man of thys crafte to by . . . . howte of thys . . . . yf he so do."

§ A hand of about Charles the First's time has written here:—"A note worthie of remembraunce."

Penalties upon those using bad words.

Also hyt ys ordened, by the fforsayd M. and Wardonys, that yf any Brother of the fforsayd ffraternyte and crafte dysspysse anoder, callenge hym knaffe, or horson, or deffe, or any yoder mysname, he schall pay, at the ffyrste deffaute, xij.*d.*; at secoun deffawte, xx.*d.*; and, at the þyrde the-ffaute, to be put youte of the ffraternyte and crafte ffor euer more.

Penalty for irregular trading out of the city.

Also hyt es ordened, by the fforsayd M. and Wardonys and the holle ffeleshipe, that yf any Broder of the forsayd crafte tacke any clothyng of any Lorde, kny3the, or jantylman, [howte of the sete*], wtyoute any leffe of the M. and Wardonys, att the ffyrste deffawte, xl.*s.*; and, at the secoun defawte, to be put youte of the ffraternyte and crafte ffor euer more.

There shall be four days of regular meetings of the gild:—

Also hit ys ordeyned, by the fforsayde M. and Wardons, that ther shall be iiij. quarter dayys that euery Brother of this crafte shall assemble at oure comen hall. And euery shopeholder shall spend ij.*d.* to a brekefaste, or send his mony by a debyte. And att that dayys, the othe† and the Ordynawnse-ys and Constytusyons shall be radde. The ffyrste day shall be the nexte Thorisday after xijth daye; and the second daye shall be the second Thoresday after Ester; and the iij. day shalbe the seconde Thoresday after the feste of Synt John-is day the Baptyste; and the iiijth day shall be the next Thoresday after Synt Michell-ys day. And att euerech of thes forsayde dayys, after dener, ther shall come all ffre sowerys, and take the relef of the mete and drynke that the fforsayde M. and shopholderis levyth; and euery of them shall spend j.*d.* to the well-ffare of the fforsayde fraternyte and Gyld.

all being held on the "day of Thor."

After the master and shopholders have dined, the sewers shall have the fragments of the feast.

Every member shall spend something.

Also ht ys ordeyned, by the M. and Wardons, that at euery coste of ale that ys geven into the forsayde ffraternyte and Gyld, euery shopholder shall spend ther-to, j.*d.*, and every fresower, *ob.*; and he that cometh nott shall send his mony by the Bedell, a-poun payne of j.*li.* of wex.

No craftsman *shall have more than three servants and one* apprentice, unless he have license.

Also hyt ys ordeyned, by the M. and Wardons and all the hole crafte, that fro hense-forthe no man *of the sayd crafte shall* hold but iij. seruauntes, and oo pryntes at þe most, wtowte

* These words have been added in a later hand.

† See the oaths further on, pp. 316–319.

lesanse of the M. and Wardonsse for þe tyme beyng, apon payne of xl^{ti}.*s.*; and he þ^{t} prayethe for hym þ^{t} dothe ayenste þis ordynance schal forfet xx^{ti}.*s.*

The indenture of every apprentice shall be enrolled,

Also hit is ordeyned, by the M. and Wardons and all the hole crafte, that euery persone of the sayd crafte þ^{t} takethe aprentys, shall brynge hym before the M. and Wardons, and there to haue his Indenture in-rolled, and the M. to paye xij.*d.* forþ^{e} in-rolment; and þ^{s} to be done w^{t}in twelmoth and a day, or elsse to lose his fredom of þ^{e} crafte for euer more.

within a year and a day.

Every apprentice shall pay a silver spoon to the gild, and shall give a breakfast, when he becomes a free-man.

(1) Altered to "eve."

Also it ys ordeyned, by the M. and werdons and the craft forsayd, þ^{t} euery prentes of the sayd craft that is inrolled and trewly seruethe his cownand, shall pay a spone of selver, wayyng a nonsse, and the fassion, and shall elde[1] a brekefast to the forsayde M. and Wardons, a-fore þ^{e} day þ^{t} he be abull to be made fre-man of þ^{e} Citę forsayd; [and yf he pay not a spoun worth iiij.*s.*, or els iiij.*s.* yn m̃oney for þ^{e} sam.*]

Every one made free of the craft by redemption, shall pay 20*s.*,

and give a breakfast, when made free of the city.

Also it is ordeyned, bi the M. and Wardons and the hoole ffeloship, that euery person that shalbe made ffree of the craft bi Redempciou, shall paye xx.*s.* to his ffyne, w^{t}out any pardon; and, whan he is abelled, to give a brekefast to the Maister and Wardons, or he bee admytted ffree man of the Citee. And euery person so abelled froo hens-forth shall have, the first yeere, butt oon seruaunt; the secund yeere, ij.; the iij^{de}, iij., and a prentise if he be able. And he that doith agayn this ordenance, shall fforfeyte, att the first defawte, xx.*s.*; att the secund defawte, xl.*s.*; at the iij^{de} defawte, to be putt oute of the ffraternyte and craift for euermore.

How many servants newly made freemen shall have.

[6] The Oaths to be Taken.

Here foloyth þ^{e} *wothe of* þ^{e} *crafte of talors.*

The Oath of the Craftsman.

Swear to be true to the fraternity,

Ye shall swere, that yę shall be gode and trew to þ^{e} ffraternyte of Synt John the Baptyste of Taylors within the Cyte of Exceter.

* The words between brackets have been added in a slightly later hand; but the sentence seems incomplete.

Ye shall not wtstond nor disobaey þe somnes of þe Master and Wardens for þe tyme beyng, but there-to be obedyent ât al tymys, wt owt resonabell excusacion. Ye shal not dyscouer þe counsell of þe bretherynhod or of þe crafte, þt ye have knowlych of, þt shold be sekret wtyn ouer-selfe. Ye shall not suffer nor counsell any forynar to dwell wtyn þe franschys of this craft; but, as aftyntymes as ye wet hyt, ye schall warne the Maister and Wardens þerof, and han ynforme wher þei be, as fer forth as ye schall have knolych, þt thaey maey do correyction ther, as longyth þem too. Ye schall couer no foren strenger yn no wys under yor franches, to use thys craft ne none other okewpacion wtyn þis sytti to his awne proper avaeyle. And when ye take any printes, at the begenyn of his tarme ye shall shew hys yndenters mad be twene you and hym; and at the ynd of his tarme ye schall bryng hym to þe M. and Wardens, þt he may take þe charge of þe craft, leke as ye do now. Ye schall hyer no man of this craft owt of his howse, too yor use and in hyndryn of him. Ye schall not wt draw no mans apprintes, ne no man ys servant, tyll þt resonabell departyng be made be-twyxt þe M. and his servant. Ye schall take no howse to okepaey shapyng, unto þe tyme ye be amyttyd, by þe M. and Wardons, gode and abell to okewpy shapyn, or else by seche as yei woll asyne you. Also, ye schall not steure, procure, ne excite, by yorselfe ne by no nother menes, to wt-draw from yor M., ne from no brother of þe craft, any of ther costomers, wother þei wolen be servyd by you by ther awne volontary wyll. Ye shal not refuse ne forsake the felashyp of þe fraternyte of taeylers for none other; that ys to siey, in clothing in-goyng; but to þe same felaschyp be obedyant and contributory, to what estat þt god increse yow yn tyme comyn. Alle þis thynges, and all other gode rewlys and ordynans of þis crafte that ye schall have knolyche of, ye shall kep well and trewly, so God you help and all sentes. Also, when-so-mever hit shall hapyn you to dye, ye schall geve yn part of yor godes to þe mantaeynyn of þis brotheryndon. Also, you schall sew no man of thys craft wt-ywt lysyens of the Master for the tyme beyn.

and to obey the master and wardens;

not to disclose the affairs of the craft;

not to encourage strangers;

to show the indentures of your apprentices, and bring them into the craft at the end of their terms;

not to hire or entice away any worker or apprentice;

not to take a shop till admitted as a freeman;

not to entice away customers;

not to leave the gild, but to uphold it according to your estate;

and, when you die, to leave it a legacy.

Moreover, sue no brother of the craft without license from the master.

þis ys to be rade the iiij. quarter daeys.

Put up a prayer for the gild, and for the king, queen, princes, &c.; for the king's council; and for sundry good-doers to the gild.

Ye shall pray for all þe Brothers and systers of þis fraternyte, and alle Benyfactors of þe same; and yn specyally for ow^r soverayne lord the kyng Edward þe iiij^th, furst fonder of þis gyld and fraternyte, and for þe quene, and for þe prynces, and for all þe kynges progeny; and for all þe lordys of ow^r soverayne lord þe kynges gret counsell; and for þe sole of dame Elysabeth Corteny, and for all her progeny; and for þe sole of Rychard Orenge, feuste M. of þis fraternyte and craft; and for þe sole of Rychard Geffery; and for þe sole of John Hamlyn; and for þe sole of Water Genys; and for þe sole of Thomas Rowse.

The Othe of the Master of the Occupacion.

You shall well fulfil your office of master;

attend regularly;

and show no favor to any man.

Ye schall swere that ye schall well and truelly byhaue you yn your offyes, as bylongyth to you as master, a-cordyng to the Ordynance that ys made by the viij. men; and to geve gode a-tendens as oftyn as nede schall requere; and that ye awe noe fawer more to one than to a nother; as god you helpp and holydom, as by thes boke.

Here folowith the Woth of the ffree Brotherys.

Swear to be true to the fraternity;

to sue no brother of the craft without leave of the master and wardens, but to lay your case before them;

not to make away with your livery improperly;

to pay for your clothing, alms, and meat;

Ye shall swere that ye shall be gode and trew lovyng brother to the ffraternyte of Synt John Baptiste of Taillourys in Exceter. Item, ye shall emplete no brother ne no man of this crafte at comon lawe, w^toute leve of the Master and Wardens; but that it leke you to shew youre grevaunce and matere be-fore them, and ther to have remedy as fer forth as they maye, and els to take youre auauntage. Item, ye shall not delyuere youre liuere of the ffraternyte to no brother that hath fforfeted ayens the ffraternyte, that ye have knowlech of, ne to none other person whatsome-euer he be, before the yend of vj. yere. Item, ye shall paye for youre clothyng, almese, and mete; that ys to saye, for youre almys, xij.*d.* a yere; and for youre mete, viij.*d.* on Midsomer daye, or the next day after; and for youre clothyng, as moche as ye take, w^tyn a moneth after. Item, ye shall be

helpyng and cownsellyng wt all youre power, yf ye know eny brother of this ffraternyte, that hath don hys dewteys well and trewly to the ffraternite, come or fall to pouerte by the visitacion of god, or by casuell auenture, and hath not wher-of to leve, that he maye haue, every weke, of the almys of the sayde ffraternyte, x.*d.*; and, yf he haue be Master, to have xiiij.*d.* a weke. Item ye shall geve, in youre testament, to the almys of Synt John Baptyste, more or lesse after yowre estate and deuocyon that ye haue therto, in supportacion of the preste and pore men of the same, as god yow help and holydom.

to help any brother fallen into poverty;

and to leave a legacy to the gild.

Here followt the othe of the ablyng of any person þt shall be amytted.

Ye shall swere that ye shall well and trewly behave yorselfe, in abellyng of this person in alle soche connyng as longith to the crafte* of Tayloris that comethe to yor mende,† and in all soche konnyng as ye fynde hym‡ able to show on-to the Master and Wardons; and that ye schall not lett, for loue, favor, frendsheppe, nor ony other hatered, nother malesse of no§ person: so God yow helpe and holydom, and by this boke.‖

New-comers shall be taught all the skill of the craft.

The othe of the Bedyll.

Ye shall swere that ye shall well and truly serue the Master and Company of this craft of Taillors in the office of Bedell for the tyme that ye shall enjoye that office; and well and truly ye shall summon such persons as ye shalbe commaunded; and attendaunce ye shall giue to the Master; and such counceile as shalbe disclosed before you ye shall kepe in secrete, and not disclose it to any man; and yn euery thyng that shall concerne you . . .

Swear to serve the master and company truly;

to summon all rightly;

to attend the master;

to keep all counsel;

and generally do your duty.

* "Longith to the crafte" has been altered, by a later hand, to "belongeth to the occupation." † Altered to "knowledge."

‡ The word "not" was written after "hym," but has been crossed out. § "No" has been altered to "anye."

‖ From "holydom" to "boke" has been altered to "holy contentes of this boke."

(7) Goods given to the Gild.

Here folowt the names of them that hath geue godes to the ffraternyte for þer comen Halle.

Goods given to the Gild by different persons.

Item, the Executores of Water Genys, a hertes hed, iij. pavys, a cofer, a mete cloth, a blac spere, and raylis for the halle.

Item, Water Genys hathe geven a medew, price the yere—xiij.*s.* iiij.*d.*

Item, Jenet Hamlyn, a tabell bord, and xl.*s.* of mony.

Item, Deonyse Spyne, a chayre.

Item, Ysabell Rowse, a party gowne y-furred, and a tabell bord.

John Stoddon, a chayre.

John Tayler, hosier, a chayre and a planke.

Richard Berchere, a Benche and a payr of trestelles.

Water Kent, a payre of tabelles, and a penner, and a inke-horne, and ij. keyys for þe wekett, aperipenseris.[1]

[1] Written, apipēþis. ?=*a pair of pincers.*]

William Honte, of Coleford, for a met cloth of v. yardes long.

James Harebotell, a fforme.

John Rowter, a copell of torches.

Cristoffer Gressch, halfe þe cloth over þe hye bench, paynted.

John Ffollett gave in a salt-seller.

Item, Sr Bartolome Thomas, a masse-boke and ij. krewettes of sylver.

Annes Evelyng, a brasen krocke of ij. galons and more, a pache clowted in the brem wt laten.*

Item, a towell, by the gefte of Margery Chester.

Item a Bockesken colerd blacke, for kovery owre masse boke, by the gefte of Bawden Maynard.

Item a chayne for chayne a boke, by þe gefte of Mawte Kent.

* By an odd coincidence, I find another of the Evelyn family recorded in connexion with a brass pot, or "crock" as it is here called. In the parish records of Kingston-on-Thames, under the year 1597, is the following entry:—"For bringing the *town pot* from Mr. Evelyn's, and scouring the same." See this quoted in "The Parish" (second edition), p. 518.

(8) Examples of Control by the Gild over Masters and Workmen.

[1] M^{d}, that John Brendon the yonger werned stresse to the Master and Wardons, the euen of Synt John in harueste, for he come nott to derge that same euen; ffor the wheche ffense he summytted him to the Master and Wardons, and made fyne of iij.*li.* of wex, the xvth day of October a^{o}. E. iiij^{ti}, xix^{o}.

Penalty for not meeting the bretheren on St. John's eve.

[2] M^{d}, that John Rowter rec^{d} iiij. yerdes of brod cloth, blew, to make Master Robert Rydon a gowne; apoun the wheche, the sayde Master Robert complayned of lackyng of his clothe. And ther the gowne wasse sene before the sayde crafte; and ther wasse fownde no cloth wasted, but ther wasse dewly proved iij. quarteris of brod clothe convayed in peces, as hit apereth by patrons of blacke paper in our Comen Kofer of record, at any tyme redy to shew, etc. ffor the sayde defense, the sayde John Rowter summetted hym to the Master and Wardons and to the felascheppe, the xxiiijth daye of October, anno regni E. iiij^{ti}, xix^{o}.

A customer complained that some of the cloth given to a craftsman to work up, was found wanting.

The gild found that there had been no waste, as was proved by the patterns, in paper, which had been kept.

[3] M^{d}, that John Kartor rec^{d} iij. yerdes of brod clothe, russet, to make a longe gowne to Sr John Walkyngton; apoun the whiche the sayde Sr John complayned to the Master and Wardons of lackyng of hys clothe. And ther the gowne wasse send for; and ther wasse fownd of þ^{t} cloth not stolen, but ther wasse fowden cloth wasted a quarter of brod cloth for lacke of konnyng. And so h^{t} ys juged, by þ^{e} Master and Wardons, that the sayde John Kartor shall paye for the cloth to Sr John Walkyngton, xj.*s.*, and the gowne shall remayne w^{t} the sayde Kartor. And for the deffense, he hath summyttyd hym-selfe to þ^{e} Master and Wardons and to the ffelaschepe, the iiijth daye of Janever, anno regni E. iiij^{ti}, xix.

A customer complained that some of the cloth given to a craftsman to make into a gown, was found wanting.

The master and wardens found that no cloth had been stolen, but that some had been wasted through the craftsman's lack of skill.

So he must pay for the cloth, and keep the gown.

[4] M^{d}, That John Walsche, aliis Kent, receyved of Edmond Colchet vj. yerdes of blew osed to make hym a gowne; and so the sayde Edmond complayned of spoyllyng of hys gowne and

A customer complained that his gown was spoiled and some of his cloth wanting.

It was found that no cloth was stolen, though the cloth was wasted and the gown marred.

But the customer must take his remedy at law, as this craftsman was never a brother of this gild.

lackyng of his cloth. And so ther wasse fownd no clòth stolen, but ther wasse fownd wasted the valor of a yerd, and the gowne marred: ffor the whech fense, the M. and Wardons juged þt the sayde Edmond shold take hys avountage agaynese þe sayde John at the common law, ffor þe sayde John wasse neuer amytted for a fre sower, and his M. disavoed hym þt he wasse not his foreman.

Complaint by one tailor against another, for keeping a pewter pot, and for sewing a kirtle without sleeves, &c.

The master and wardens award that the latter must pay the former 16*d.*, and so be released.

[5] Md, that John Skeche, setsayne and taylor, of the Cyte of Exceter, come before M. and Wardons, the xvj. day of Marche, ao regni Regis E. iiijti, xxti; and ther complayned vppon Willam Spicer, tayler, for wtholding of a potell pot of pewter, paysing iiijti; Item, for sowyng of a kertell wtoute slevis, and for the stuffe of a coler, and settyng on. For the which fense aforesayde, the M. and Wardons hath awarded þt the sayde Willam shall pay on-to the sayde John Skeche, in fvll còntent of all thyng, fro the begenyng of the world in-to this daye, xvj.*d.* And the sayd John Skeche shall relesse hym of all sewtes that þe sayde Skeche hath a-yens the sayde Willam for all soche materis a-fore-wreten.

A master chastises his servant.

Award made thereon, 21 Ed. IV.

The master and wardens of the gild adjudge, that the master shall pay the doctor's bill, the servant's board, and heavy amends; as well as a fine to the gild.

[6] Md, of a-warde y-made bi the Maister and Wardons the xvjth day of Jule, the yeere of the Reigne of Kyng Edward the iiijth, the xxjth, bitwene William Peeke and John Lynch his seruaunt; for that the said William un-lawfulli chasted hym, in brusyng of his arme and broke his hedd. And for that it was chuged, bi the said maister and wardons, that the said William Peeke shuld pay, for his leche-craifte, v.*s.*; and for his table, for a moneth, iij*s.* iiij.*d.*; and for amendis, xv.*s.*; and to the craift, xx.*d.*, for a fyne for his mysbehaueng aynst the craift.

Brendon and Matthu submitted matters in difference between them, to the judgment of the master and wardens.

[7] Md, that won John Brendon the yonger was at Taylior halle, for a conlicacion be-twext John Matthu and the sayde John Bre[n]don the yonger, the xth day of October, the reign of Kyng E. the iiijth, the xxjti: and ther they were bond, in a requensaunce of xxti.*li.*, to abyde the awarde and the termenacion of the Master and Wardenys in all suche matteris and variance as

was betwẽne the sayde parties. That, not-wt-standyng, the sayde John Brende went to on Matthu Chub, and dis-klandered the sayde John Matthu, for sertayne langage that shull be sayde in counsayell in the Taylior hall. Where-apon the sayde John Mathu as-kused hymsell, afore the Mayre of Exceter in the Yeld hall, wt ij. men sworyn apon a boke. Where-apon, the sayde John Brendon stode in a content ayenst the sayde Master and Wardonys, to be prevyd perjored, and also to make amendes to the sayde John Matthu after the distresse of the Master and Wardonys forsayde.

But Brendon, notwithstanding, libelled Matthu.

Matthu cleared himself of the libellous charge.

Brendon is held guilty of perjury,

and is required to make amends to Matthu.

[8] Md, of won John Tregaso, wiche was swone to the Master and Wardonis of the fraternite of Tayloris of Sent John Battyst in the Cite of Exceter. That, not-wt-standyng, the sayde John come before on John at Well, that tyme beyng Mayre, and renonsed the sayde wothe, and was for sworyn on a crucefex. Where-a-poun, the sayde Master and Wardonis suyd the same John a-poun a purgery: and so, be the mene of gentyl-men and money, they were made acorde, and new swaryn to the Master and Wardonys. And so the sayde John was send for, dyverse tymes, to com to durgeis, massis, and other dutyis, acordyng to his othe; the wiche he absent hym-self wtowte cause resenable. Where-apon, the Master and Wardonys fett hym owte of his howse, and brost hym to Tayleor Hall, and there put hym in a pere of stockys; and the keped hym by the space of a day and a nygte. Apon the wiche, John Mattheu and Thomas Penhale ware bownde to the Master and Wardonys in xxti.*li.*, that the sayd John Tregaso shuld be of god beryng contynually fro this day forward, the xvijth day of October, the reign of Kyng E. the iiijth, the xxjti.

Tregaso was sworn to the gild.

He renounced his oath before the mayor.

The master and wardens charged him with perjury; but the matter was hushed up, and he again swore to the gild.

But Tregaso did not fulfil his duties to the gild;

whereupon the master and wardens put him in the stocks, and kept him there for a day and night.

At last, two sureties became bound for his better behaviour in time to come.

(9) Further Ordinances, made 19 E. IV.

Here ffolowith the Ordynons made by the Master and Wardons and the viij. men of the comon Cownsell, to the ffyndyng of a prest, the xxvj. day of September, a° regni E. iiijti. xixno.*

A priest shall be maintained.

And over that, hit ys ordayned, by the Master and Wardons and the ffelascheppe forsayde, that euery man that ys of the Master-ys ffelascheppe shall paye, euery yere, to the ffyndyng of a preste, vij. yere folwyng, ... xij.*d.* excepte tho that hath geve of there awne ffrewill.

Every livery-man (not otherwise contributing) shall pay 12*d.* a year, for seven years.

Every shopholder shall pay 8*d.* a year, for seven years.

And alle tho that beth Shoppeholders of the yemen felascheppe, shall paye, euery yere in vij. yere, to the fyndyng of a prest, ... viij.*d.*

Every free sewer shall pay 4*d.* a year, for seven years.

And euery ffre sower shall paye, euery yere vij. yere volwyng, to the ffyndyng of a prest, ... iiij.*d.*

If any contributor become master, he shall have his money back; but he shall find board for the priest, or pay 6*s.* 8*d.* a year for seven years.

And ouer that, hit ys ordeyned, by the Master and Wardons and the ffelascheppe fforsayde, that yf any persone a-foresayde hathe promysed any mony to the ffyndyng of a preste, and happe that he be chosen Master, then he shall haue his mony ayen, and ffynde the preste ys tabell, or els paye euery yere, in vij. yere volwyng, ... vj.*s.* viij.*d.*

List of voluntary contributors to the finding of the priest.

Here ffolowith the names of them that hath y-promysed to the ffyndyng of a preste vij. yere volwyng:—

Jenet Hamlyn, by the yere, ... vj.*s.* viij.*d.*

Ric. Ronwill, by the yere, ... vj.*s.* viij.*d.*

* These ordinances bring out more clearly than is elsewhere done (though the same thing is implied in many places), that this Gild reckoned three classes; namely, (1) the Master and Wardens; and, it may be assumed, all who had passed those offices. The terms of the charter of 6 Ed. IV. seem to show that these only wore the Gild livery. Hence I call them "livery-men,"—a distinction well known in the London Companies. Then there were (2) the shop-holders, or master-tailors, not yet advanced to the high places of the Gild. And, finally, there were the "free-sewers," or journeymen serving masters, and not yet become shopholders.

Ric. Towrnour and his felow, by the yere, ... vj.*s.* viij.*d.*
John Ector, by the yere, ... vj.*s.* viij.*d.*
Thomas Rawlyn, by the yere, ... iiij.*s.*
Symon Davy, by the yere, ... iij.*s.* iiij.*d.*
Thomas Penhale, by the yere, ... iij.*s.* iiij.*d.*
John Guscote, by the yere, ... iij.*s.* iiij.*d.*
William Sangell, by the yere, ... iij.*s.* iiij.*d.*
Stephen Edmond, by the yere, ... iij.*s.* iiij.*d.*
John Arnold, by the yere, ... iij.*s.* iiij.*d.*

(10) Agreement between the Prior of St. Nicholas and the Gild of Tailors.*

The condition upon which a Bond had been given by the gild.

To all trew Cristen men to whom this present writyng indented shall come, John, Pryor of the Priory of Seynt Nicholas in the citee of Exceter, and of the same place the Covent, sendith grettyng, in the savoure of all thingis. As-where the maister and wardons of the fraternite of Taillors of Seint John de baptist in the Citee of Exceter, and theere successours, bi there writyng obligatory, are hoold and bond in xx^ti^ *li.* of laifull money of Englond to us the foresaid Prioure and Covent, and oure successours, to be payed att the fest and place in the said wryting obligatory content, as in the same more playnli apperith, of the whiche the date is the xvij. day of August, the yeere of the Reign of kinge

The gild has given to the Prior and Convent of St. Nicholas a Bond for 20*l.*

* This "writing indented" is, in fact, the Condition underwritten to a Bond. It differs somewhat in form from the usual underwritten Conditions to Bonds, which were even more common at that time than now. A Bond was then usually given, with the Charter of a grant of land, as an additional assurance to the title. The Bond itself is not recorded in this case; but it, and this underwritten Condition, were plainly parts of a transaction in which John Hamelyn and Joan his wife had given to the Gild a close of land in Tadyford, in consideration that the Gild would take care that prayers were said for the souls of the givers,—trusting, as again we see, rather to the Gild than to an ecclesiastical corporation. Compare before, p. 143. It is not the only instance of the kind recorded in these volumes of the Gild of Tailors of Exeter. Instances of this kind are of great importance, as enabling us to know thoroughly the true character of the English Gilds.

Edward the iiijth, the xxij^{ti}. Wee nerthelas, the forsaid Pryour and Covent, for us and oure successo^{rs}, woll, and bi this present graunt, That if the said Maister and Wardons and here succesSo^{rs}, after decesse of the said Johan Hamelyn, late the wyfe of John Hamelyn, Taillo^{r}, and sumtyme Mayre of the said citee, hoold or make to be hoold the obett of the said John Hamelyn and Johan his wyfe, in the cherch of Seynt Nicholas aforesaid, yerely for evermore, ons a yeere, that is to weete, the xxvj. daye of Januarie; To a diryggis bi the said Prioure and v. monkes of the place there to be sayed; And in the morowe masse of Requiem to be halowed: also, abowte the same obett, the said Maister and Wardouns, and there successo^{rs}, euery yeere for euermore to dure, shall distribuett or make to be distribuett, of the rentes and profetts comyng of the said cloose of land in Tadyford, which the said Maister and Wardons late hadd of the gyfft and feffement of the foresaid Johan and others, for the same cause and entent,—That is to wete, To paye the Pryor of the same Priorye which for the tyme shalbe, vj.*d.*; and to euerych of the v. monkes which for the tyme shalbe, iiij.*d.*, if thei bee thereatt; and if any of them fro thens then absent hym, nothyng shalbe geven to hym for that tyme, but it be of the commaundement of the Pryor there, in any speciall for the commodite and profitt of the said Priory lafulli y-occupyed: and also iij.*d.* for ij. prykettes of wax barnyng to the same obett; and j.*d* of sylver in offering to the masse of Requiem aforesaid; and iiij.*d.* to them that shall ryng the bellis then there:—Iff forsoth the said maister, wardons, and theere successours, the premissis, as of there parti expressed and declared, hoold and trewly fulfill, and w^{t}out any delaye perfourme, That then the said writyng obligatorie of xx^{ti}.*li.* shalbe hadd for nought. And if the said maister and wardons, and their successours, the premissis of ther parti nott fulfyll, then the said writyng obligatorye of xx^{ti}.*li.* shall abyde in his strength and vertu. In wittenysse wherof, aswell the commune seall of the said maister and wardons of the ffraternyte aforesaid, as oure Covent seale, to this presents alternatli beth putt.

But if, after the death of John Hamelyn's wife, the gild cause services to be held, every year, for the souls of John and Joan,

and pay certain moneys to the prior and his monks,

and others for wax-lights,

and for offerings,

and for ringing bells,

then the Bond shall be nought:

otherwise it shall be in full force.

Witness the seal of the gild, and the seal of the convent.

Yeven att Exceter, the xvijth daye of August, the yeere of the reign of king Edward the iiijth, the xxijth. Dated, 17th August, 1482.

(11) A New Ordinance made, 16 H. VII.

M^{d}, that there was an acte made, by the Master and Wardyns and the viij. men of the occupacion, upon them that be men-ys seruaunts, and take wages by the yere, by the weke, or by the garnement, to paye, euery quarter, a j.*d.*, to help mayntayne the pryste and the wex att Myghelmas; the yere raynyng of kyng Harry the vijth, the xvj^{o} yere. An ordinance of A.D. 1500, that journeymen shall pay a penny a quarter, towards maintaining the priest and the Michaelmas lights. [See before, p. 324.]

(12) Goods in the Gild-hall, 20 H. VII.

Here ffolwyth the ymplementes of the Taylo^{r}-ys halle, beyng w^{t}yn the place yn the yere beyng Master of the occupacion Richard Chubb, a^{o} regni H^{i} sp^{ti} xx^{o}, of Exceter. Goods in the gild-hall in the year when Richard Chubb was master, A.D. 1504.

M^{d}, that ther remaynyth, fyrst yn the halle, a payntyed cloth at hye Desse; ij. lytell bynches by euery syde, on by the chymney, on nayled to the walle; a planke tabell, w^{t} ij. trestelles, att hye desse; a tabell yn the syde of the halle, and a furme; a bynch yn the yn-syde of the tabell: also, yn the parler, a beddestede: also, yn the spence, a tabell planke, and ij. sylwes: also, yn the chamber next to halle, a longe coffer w^{t}oute lockes or keyes, and a beddeste: also, yn the utter chamber, a bedde stede: also a brasse pott, [a plater of pewter, iiij. quarters of a wyolet gowne for a woman, a broche w^{t} a fote, ij. new torches but lytell burde*], and iiij. yndes of torches; a streymer and a baner, a boxe w^{t} iiij. ewydence, w^{t} iij. other wretynges: and a seyalle of sylver of the brotherredyis.

In the hall, a painted cloth on the dais; two benches, a table with trestles, another table and a form, and another bench;
in the parlour, a bedstead;
in the spence [buttery], a table and shelves;
in the chamber next the hall, a coffer and a bedstead;
in the outer chamber, a bedstead, a brass pot, a pewter platter, some women's gear, torches and torch-ends, a streamer and a banner, a box of deeds and writings, and the silver seal of the gild.

(13) New Ordinances made, 8 H. VIII.

In the worschypp of god and owre lady, and Seynt John of Ordinances of A.D. 1516.

* The words between brackets have been scratched through with a pen.

Baptist, and for the more expedyant welth and prosperyte of the fraternyte and gyld and occupacyon and brotheredon of the tayllers in Excetere, and by the atoryty of dyvers letters patentes or charturs grauntid and confermyd by dyvers kynges of Ynglond. Be hit ordeynyd and stablyd, by þe M. and Wardens, and þe sent of þe occupacyon and crafte of taillers, in þe yere of owre lord god a M^l. vc. xvj., and in þe viij^the yere of þe Reayne of o^r most souerayne lord kyng Harry the viij^th, for euer more to indure:

The master of the gild shall admit no shopholder to the gild, save in the presence of the wardens, or two of them at the least,

after thys day, þ^t þe master of the crafte of taillers, fro hensforth, schall neuer abell no man, noþer amytt hym to be a schopholder of þe same occupacyon or crafte a-bove-said, excepte he haue w^t hym present, the same tyme whan he schall amytt hym or them þ^t schall so be amyttid or abeld fro hensforth for a schopholder, except he haue present w^h hym þe wardens, or ij of þe wardens, to be present, and to asentt w^t hym, att þe lest; and viij. of them þ^t haue byn masters of þe crafte, or vij. or vj. or v. of them to be present, besydes þe M. of the craft; and they v. to a-sentt w^t the M. and Wardens to þe same ablyng, att þe lest, as ys a-fore rehersyd. And yf þe M. for the tyme beyng doo amytt or abell ony man, other-wyse than thys ordynans spesyfyth, so dewly prouyd by the most part of the honyst men of the craft, byfore þe M. and Wardens and the nomber of them þ^t haue be masters of þe crafte, as ys by-fore rehersyd, and so doth asent ther-to, þe same amyttyng to be voyd and in none affecte; and the same M. of the crafte þ^t so amyttyth ony man, schall make hym restytusyon, of hys owne proper goodes, of all such costys and chargys as he hath be att þ^t so ys amyttyd contrary to thys ordynans as ys above said. And also þ^t all they þ^t have be M. of þe crafte, or schal be M. of þe crafte, after they haue ons be M. of the crafte, they be and schalbe amytted for the cownsell of the crafte; and euery man of them to be in lyke powre and attoryty, whan hyt schall plese þe M. of þe crafte for þe tyme beyng to call them to hym; and they to stond and be in full attoryty and powre for þe viij. men, and þey to make ordynances and good rullys to be kept and so forth:— So that the M. have w^h hym viij^th of them þ^t so have be

and also of eight, or at least five, past masters of the gild; and not without the assent of these wardens and past masters.

And if it be proved that any master has done against this ordinance,

the admittance shall be void, and the master shall pay, out of his own goods, all costs and charges of whoever has been so wrongfully admitted.

All past masters shall be on the council of the gild, and have the same authority as the wardens.

masters of þe craft, or vij. or vj. or v. of them þt have be masters, as ys a-fore rehersyd, besydes hym-selfe, to asent wt hym att the lest þt ys M. of the crafte, and þe wardens for þe tyme beyng, to þe nomber and in lyke maner as ys afore rehersyd, to þe ablyng and amyttyng of a schopholder. And they schall stond and be in full powre and streynght to reforme and redrese and stablysch and corecke and ponysch all such mysbyhauyors and fauttes as haue be, or be nowe, or schalbe; so þt the mysbyhauyor or fauttes byfore them be dewly examynyd and prouyd; so þt hytt may be for þe more expedyantt welth and prosperyty of the fraternyte, gyld, and occapacyon, and brotheredon, as ys abowe said. And here volowyth þe namys off them þt dyd a-sentt to thys ordynans, before and in þe xxiijd day of June, in the yere above said. In primis, John Brygeman, M. of þe crafte, and stuard of the cety, þe same yere; and M. Thomas Androw, latte Maire of þe cety; M. Geffray Lewys, recever of þe cety þe same yere; Master John Bradmore, late recever of þe cety; M. Wyllam Peke, on of þe xxiiijti of þe cety; M. Wyllam Mathew, on of þe xxiiijti of þe cety; Gervys Buschant, some tyme stuard of þe cete; [and many others whose names are recorded*].

The master, and five past masters at the least, and two at least of the wardens, must assent to every admittance to the gild.

And these may deal with every misbehaviour,

after inquiry and proof as to such misbehaviour.

Assenters to these ordinances.

(14) A New Ordinance made 23 H. VIII.

Ordenance.

Be it enacted, the fest of Saynt Marke, the xxiijth yere of the raigne of King Henry the viijth, Thomas Hunt then beyng Master, that euery mannys wief, after the deth of hur husbond, beyng a taillor, shall kepe as many servaunts as they wille, to werke wt hur to hur use duryng hur widowhode, so she bere scotte and lotte, yeve and yeld, wt the occupacion.† And if[1] be

Ordinance of A.D. 1531.

Every widow may employ as many workers as she will, while she keeps up the trade and pays her rates and bears her lot;

[1] (*sic.*)

* The offices held by those whose names thus head the long list of assenters to these very clumsily worded ordinances, show the intimate relations that existed between the Gild and the Corporation of the City.

† It has been seen that all shopkeepers were limited in the number of servants whom they might employ (before, pp. 315, 316). So this was a valuable relaxation in favour of their widows.

but if this is made a cover for irregular trading, then the widow and the workers shall all pay penalties.

proved that the same seruauntes do werke not to the only vse of his said Mastresse, but to his or their owne use, or any other mannys vse, beth the Mastresse and the seruauntes euery of theym for euery[1]—iij.*s.* iiij.*d.*

[1] (*sic.*)

NOTE.—The three volumes, from the first of which the foregoing extracts have been made, contain an immense mass of entries, from the Sunday before Twelfth-day 17 E. IV. (A.D. 1477), up to the second quarter of the present nineteenth century. There are bodies of "Bye-laws, Acts, and Ordinances," made so late as A.D. 1713 and 1716, bearing the signatures, in approval of them, of the Justices of Assize in those years. (See before, p. 210.) One of James the Second's unlucky Charters (17 October, 3 Jac. II.) was also granted to this Gild. But, while it is well to mention these facts in proof of the vitality of the Gild, the giving copies of those later documents would be beyond the scope of this work.

The extracts, of an earlier date, which I have received from the records of Exeter touching this Gild, beyond what I have here printed, are numerous; but, highly interesting and instructive as the story of this Gild is, it would have unduly swelled the treatment of it here to have given fuller details. The character of many of these extracts will be understood by what is stated before, pp. 302, 303.

(*b*) GILD OF THE CORDWAINERS.*

To all men that this presentez schall here or see, gretyng in oure lorde euerlastyng. Where-as the Maister of the crafte of cordynerez, of the fraternyte of the blyssed Trinyte, in the Cyte of Exceter, hath diuerse tymez, in vmble wise, sued to the honorable Mayor, bayliffs, and commune counsayle of the saide citee, for certayne ordinauncez and ruelles to be vsed w^th^in the jurisdiccion of the saide cite, concernyng the said crafte, vnder the favoure of the saide Maior, baylifs, and commune counsayle, in reformyng diuerse inconveniencez that ben down before this tyme, and here-after myght ensue, and for the conseruacion of the politik gouernaunce of the same, to the lawde and honor of the saide fraternite of the blessyd Trynyte, and the wele of the kyng oure souerayg lordez people. Wherefore, Mayor bayllifs and commune counsayle, consyderyng there desirez, wille and graunte that the Mayster and Wardenez of the sayde crafte schall enyoye and vse suche ordinauncez and ruellez wythin the jurisdiccion of the saide cite as folowith.

The Cordwainers ask the Corporation to let them have some ordinances.

The Corporation grant the request.

ffirste, that the saide Maister and Wardenz, and their successors, w^t^ iij. othere men of the saide crafte convenient, schall make due serche, att alle tymys, of euery thyng necessary perteynyng to there saide crafte, as by sufferaunce they have vsed

The gild shall make search for all goods badly made.

* From the Rolls of the Mayor's Court of Exeter: Roll xix. of the year 21 and 22 E. IV. These interesting Rolls exist from 48 Henry III., A.D. 1264, to the beginning of last century. The present Ordinances show what a tight hand the Corporation of Exeter sought to keep upon the Gilds in that city. They enable us, therefore, the better to understand the anger and long-continued feud against so independent a body as the Tailors' Gild. The Cordwainers' Gild was, from the first, content to put itself under the condescending patronage of the Corporation. Izacke says that "the cordwainers and curriers were first incorporated by grant under the common seal of the city 21 R. II. (1387); which was confirmed 21 E. IV. (1481); and lastly 3 Marie, 1555." (Antiquities of Exeter, ed. 1724, p. 62.) The above extract is therefore the confirmation of 1481.

w^in the jurisdiccion of the saide cite;* that is to wete, of all wete lethere and drye botez, botwez, schoez, pyncouz, galegez, and all other ware perteynyng to the saide crafte, made and unmade, whiche is desceyteously wrought, as in tannyng, coryyng, cuttyng, or sowyng, or in any other wyse made, where-thurgh the kynges lege peopell scholde be disceuyd; that then suche ware, so founde defectyf, to be by the saide Maister and Wardenz forfet and seased; and that to be preysed lawfully in the Yeldehall of the saide cite;—half of the same to be to the behough of the saide cite, and the other halfe to the behough of the saide fraternyte.

Bad goods shall be forfeited;

and the produce shall go, half to the city and half to the gild.

Also, where-as they have a-leccion a mongez the saide crafte, of a Mayster and Wardynz for the convenyent gouernaunce of the same; That he that is so by the saide fraternyte electe to be a Maister, and he wolde refuse to take the gouernaunce vppon hym, wherby a inordynatt ruell schulde ensue, that then he so electe, for his refusell, to paye xx.*s.*; wherof the half to be to the behough of the saide cite, and the other half to the behough of the saide fraternyte, as ofte as they so do offende.

Whoever is chosen master, and will not serve, shall pay a fine; half to go to the city, and half to the gild.

Also, where-as the saide ffraternite haue, by sufferaunce, to electe Wardynez of the saide crafte, for the yere folowyng, whereof ij. of theyme schalbe schoppeholders, and ij. other jorneymen, w^in the saide Cite; that if he so electe for the Wardyn of the schopholders, refuse to take vppon hym, to forfette xiij.*s.* iiij.*d.*; halfe therof to the behough of the saide cite, and the other half to the behough of the saide ffraternite, as ofte as hit schall so happen to offende. And if any of the Jornaymen of the saide crafte be electe Warden, refuse to take the office of Wardynschippe, that then they forfet vj.*s.* viij.*d.*; the one halfe to be to the behough of the saide cite, and the othere half to the behough of the saide ffraternyte, as ofte as hit schall happen.

Those chosen as shop-holders' wardens, and those as journeymen's wardens, shall, if they do not serve, pay fines; half to go to the city, and half to the gild.

Also, if any person of the saide crafte, what degre or con-

* See what is said by Lincke, in the note on the foregoing page, as to the earlier grant of 1387.

dicion he be of, be warned, in resonable tyme, to come before the saide Maister and Wardynz, att there place acustumed, and he so warnéd absent hym, and no resonable excuse hadd, that then, for euery defaute so donn, that thay schall paye for the saide dissobedience iij.*s.* iiij.*d.*; the sayde cite to have the oone halfe, and the saide fraternyte the othere half.

Whoever is summoned, and does not come, shall pay a fine, half going to the city and half to the gild.

Also, that no maner of man, what condicion he be of, of the saide crafte, *holde no open schoppe w*t*in the jurisdiccion of the* saide cite, butte he be a ffraunchised man, accordyng to the olde custumez conteyned in the blake rolle of the saide cite, uppon payne of vj.*s.* viij.*d.*; half to the behough of the saide cite, and the othere half to the behough of the saide fraternyte.

No craftsman *shall keep a shop, unless free of the city, under penalty,* to go half and half as before.

Also, that no maner of man of the saide crafte, dwellyng w*t*in the jurisdiccion of the saide cite, as well in the suburbis as in the cite, were none lordes levery ne other gentilman-is, uppon payne of vj.*s.* viij*d.*; the half therof to the behough of the saide cite, and the other half to the saide fraternyte.

No craftsman shall wear the livery of any lord or other gentleman, under penalty, to be divided as before.

Also, that if any schopholder of the saide crafte within the saide cite, set any man aworke by the space of a monyth, and then the straunger to paye iiij.*d.* to the wax of the saide fraternyte; and that he that so settyth hym aworke schall awnswere the saide iiij.*d.*

Four pence shall be paid to the gild-wax for every fresh workman taken on by a craftsman.

Also, that no man of the sayde crafte in the saide cite, sette no man a-worke that is reteyignde in any man-ys service, on the tyme that he be had, in examinacion before the saide Maister, Wardyns, and felisshipp, to understond the departure of hym; and if any do the contry, he to forfette vj.*s.* viij.*d.*; the halfe therof to the behough of the saide Cite, and the othere half to the behough of the saide fraternyte.

No craftsman shall take on another man's servant, under penalty, to be divided as before.

And also, if any man of the said mystere, of what degree or condicion he be of, that suche summys of mony as he or thaye bene sett for to paye, for the sustentacion of the Prest and of there chapell, after ons warned, and refuse to paye hys duty, he to lose, for euery defauut, xl.*d.*; and that euery Maister answere for his servauntz to the same, vppon the same payne: the

Penalty on every man not paying his share towards the priest and the chapel.

He shall be answerable for his servants also.

Half the penalty to the city, and half to the gild.

forfett whereoff, the one half to grow to the Cyte, the other half to the saide ffraternyte.

All the powers of the gild shall be surrendered, every year, to the Corporation; and a fine shall be paid for the renewal of them.

Provided alleway, that the saide Maister and Wardons of the said Mistere, shall come, euery yere, on-to the Yeldhall of the said cite, the nexte Moneday vppon the Eleccion of the new Maier, Baillifs, and other offycerres of the saide Cite; and ther, by the payment of iiij.*d.*, to surrendre all there sayde power on-to the saide Maier Bailifs and communalte; and then and there to take and resume hit, by the new Maier-ys graunte, of the saide cite, accordyng to the saide enrollement vnder his seale of office, without any fees there-for to be payed; provyded all-so, that the liberteis of the saide cyte, francheis, and old vsuages, allwaye be savyd, and yn no wyse interrupte by the saide graunte.*

These ordinances are enrolled among the records of the city.

And that this saide ordynauncez and constitucionz, w^{t} othere conuenyent rewlis as acordyth w^{t} reason, schall be ferme and stable, we the saide Maio^{r} bailifs and commune counsayle haue lette enroll hit in a roll, beryng date the Munday next after the ffeste of the Purificacion of oure lady, yn the xxj^{ti} yere of the reynyng of the kyng our souerayg lord, kyng Edward the iiijth, amongez the recordez of the saide cite.

(*c*) Gild of the Bakers.†

The Bakers ask the Corporation to

To alle men that this presentez schall here or see, gretyng in oure lorde euerlastyng. Where-as the Maister and Wardons of

* The intense jealousy cherished by this Corporation towards all Gilds, could not be more strongly shown than by this extraordinary requisition, that a yearly surrender should be made of all this power and authority of the Gild. And for this yearly humiliation, the Gild had to pay to the corporation a fine, besides the half of all payments received by it! It was thus without any really independent existence whatever. The Tailors' Gild never submitted to anything of the sort, but took up "swerdis and daggariis" rather, in maintenance of their independence. See before, p. 303. Terms so hard as these were not imposed even on the Bakers. See the Gild next following.

† From the Rolls of the Mayor's Court of Exeter: Roll xix. of the year 22 Ed. IV. to 1 Richard III.

the crafte of Bakers, of the fraternite of oure blissed Lady and Seynt Clement, in the Cite of Exceter, hath diuerse tymez, in vmble wise, sued to the honorable Maior, Baillyffs, and Commune counsayle of the said Cite, for certayne ordinauncez and ruellez to be vsed withyn the Jurisdiccion of the said cite, concernyng the said crafte, vnder the ffavoure of the said Maior, Bailyffs, and commune counsayle, in reformyng diuerse inconvenientez that bene doun before this tyme, and here after myght ensue, and for the conseruacion of the politick gouernance of the same, to the lawde and honor of the said ffraternite of oure blissed lady and seynt Clement, and the wele of the kyng our soueraygn lordez people. Wherefor, the Maier, Bailyffs, and Comen counsayle, consyderyng ther desyrez, wille and graunte that the Maister and Wardenez of the said crafte shall enjoye and vse suche ordinauncez and ruellez withyn the jurisdiccion of the said cite as folowith.

let them have some ordinances.

The Corporation grant the request.

ffirste, that the said crafte and Mistere shall, euery yere, hold and kepe ther ffest of theyre solempnite of theyre Brotherhede, in the Monastery and Churche of Seynt Nicholas withyn the said cite, other in any other convenient churche withyn the same, yn the ffeste of the Nativite of oure blessid Lady, for the welfare and gode prosperite of all the Brothern, Susterne, gode helpers, welwyllers, Maitenors, and socorourris, of the said fraternite, yerely to be continued.

An annual feast shall be kept.

And also, for a gode and an ordinate reule to be kept and continued amongis them, that they schalle, ons yn the yere, that is to wete yn the said fest of oure Lady, or the morne vppon, chese theym iij. of the said crafte, of the most abilist persons, on to be Maister, and the ij. other to be Wardens of the said crafte, for the yere ffolwyng, for the polletik reule and gouernaunce to be kept among theym, yn the leve of ther mony, and all other thyngis belongyng to the said ffraternite; and the said Wardons for to accompe yerely of all the reuenowis of the same.

A master and two wardens shall be chosen every year.

A yearly account shall be rendered.

And moreouer, that all Dowers of the Cite, and suburbis of the same, grynd att the Cite-is myllis, and noo where els, as

All corn shall be ground at the city mills, so long as

those using flour can get enough thence.

long as they mey have sufficiaunt grist, vppon such paynys as of old be ordned and provided yn that be-halffe.*

Twelve pence shall be paid for every fresh workman taken on by a craftsman; half to the city, and half to the gild; unless the man have been an apprentice to the craft.

And also whoo-so-euer of the said crafte set ony servaunt yn occupacyon of the said crafte ouer iiij. wekys and o day, to forfete xij.*d.* as ofte as ony so doth; halfe to the said Cite, and the oder halfe to the sustentacion of the said ffraternite; yn-lesse then he hafe be aprentise of the said crafte.

No craftsman shall entice away any man's apprentice or servant, or keep one who has left his master; under penalty; half to go to the city, half to the gild.

And that none of the said crafte slocke ony man-is prentise or yerely seruaunt of the said crafte, or socoure or maynteyne ony suche, any aprentise, or yerely seruaunt, goyng or brekynge away fro his Maisterres covenaunt, vppon payne of xl.*d.* as ofte as ony of the said crafte schall hapon to be founde yn suche a defauute; halfe of the said payne to be enployed to the vse of the said cite, and the oder halfe to the sustentacion of the said ffraternite.

Whoever, being summoned, does not come to the several meetings named, shall pay a fine; half to go to the city, half to the gild.

And also, yf ony man of the said crafte and ffraternite, vppon iij. dayes warnying, make defaute or lacke to come to the said ffeste, eliccion of theire said Maister and Wardenes, to theyre generall obete, masse, and dirigesse, to be hold ons yn the yere for the sawles of brederyn and susteryn passed oute of this world, and also to the audite to be made and hold ons yn the yere, to pay, as ofte as he so maketh defaute, xij.*d.*; halfe to be enployed to the vse of the said Cite, and the oder halfe to the sustentacion of the said ffraternite.

The wardenh, with a city officer, shall make search for all breaches of the law.

And also, thath the Wardenes of the said crafte haffe fulle powere to make serche, with one of the officeris of the cite, as well vppon thoo that byeth mele contrary to the custume of the cite, as vppon gode paste to be made acordynd to the sise, as vppon all oder defavtys. And thath that ys forfetabell, to forfete hitt; and to presente the same fautys euery Monday to the courte, with the said forfetoures; and the same forfetoures to be enployed halfe to the said cite, and the oder halfe to the said ffraternite.

Presentments shall be made to the Mayor's Court every Monday, with the goods forfeited; which shall go, half to the city, half to the gild.

* Clearly therefore, in this case, as in that of the Cordwainers, there had been earlier ordinances; and there can be little doubt that there was a Bakers' Gild in Exeter before the date of these ordinances.

Also, thath the Wardones of the said crafte hafe full power to make serche, with a sergent, att all hoggesters houses with-yn the Jurisdiccion of the said Cite, vppon alle forenes brede broght to the same; and the same forenerres brede ther so founde to forfete hit; and the same forfetes to presente hit, immediatly, on-to the Maier and Bailyffs; takyng halfe to the vse of the said cite, and the oder halfe to the vse of the said ffraternite.

Search shall be made, at hucksters' houses, for bread made outside the town.

Such bread is forfeited;

and must be presented before the mayor and bailiffs;

and the city shall have half, and the gild half.

And thath all Bakers of the said Cite, and suburbis of the same, make butt ij. horselofys to a peny, and of clene beanys,* vppon payne of xij.*d.* as ofte as ony doth yn contrary; halfe to the vse of the said cite, and halfe to the vse of the said ffraternite.

Horse-loaves shall be made two for a penny, of clean beans;

otherwise a fine, which goes, half to the city, and half to the gild.

Also, that no man set vp the crafte of bakyng from hensforth, with-yn the said Cite, or subbarbis of the same, on-lees that he be a franchessid man, and habelyd by the said Maister and Wardones; vppon pyne of xl.*s.*, halfe to the cite, and the oder halfe to the said ffraternite.

No baker shall be allowed in the town, unless a freeman, and also one of the gild;

under heavy penalty; half to the city, and half to the gild.

Provided allway, thath yf ony of the said articlis be contrary to the liberte of the said cite, or old custumes of the same, thath hit be reformabyll and corrigabill by the Mayre, Bailiffs, and the comen counsayle of the citee. Provided also, thath this graunte hafe non effecte with-oute the jurisdiccion of the Cite, but onely with[in] the liberties of the same. Provided alway, that all theis articlis ne noone of them be noe wise deregatory, prijudiciall, ne contrary vnto the liberties and customys of the said Cite, and the comyn wele of the same.

Any article of these ordinances contrary to the city liberties, shall be reformed.

This grant does not reach beyond the city;

and no city custom can be lessened by it.

And inseigne and tokyn of all the said articles as bene aboue rehersed, shall byde ferme and stable, the seale of offise of the Mairalte of the Cite of Exceter here-vnto is putte. Yeuen the xth day yn the monyth of ffebruarii, yn the yere of the raign of oure soueraign lord kyng Edward the iiijth, xxii^{ti}.

The mayor's seal put to these articles,

on 10th February, A.D. 1483.

* Elsewhere, the horse-loaf was made of "al maner of corn." See after, as to horse-bread, Note to Usages of Winchester, p. 366. [L. T. S.]

XVIII.

BERWICK-UPON-TWEED.*

Statutes of the Gild, ordained by the pleasure of the Burgesses: so that, where many Bodies are found side by side in one place, they may become one, and have one will, and, in the dealings of one toward another, have a strong and hearty love.

* The original of these ordinances is not known to exist in Berwick. It by no means follows that it does not exist there; for neither the "Olde Vsages" of Winchester, nor the Gild Ordinances of Exeter, which are here printed from the originals (see before, p. 299, and after, p. 349), were known to exist in those old cities of renown, till I asked for search to be made in both places, my reasons being given for thinking they must exist there, together with the indications by which each might be known,—my wishes being, happily, in both cases cordially seconded by the corporate authorities of those ancient cities. Having been informed by the town clerk of Berwick that these ordinances are not in the archives of his borough, and, moreover, that they never were there (which is of course a mistake), I have not thought it necessary to pursue the search, because (1) these ordinances are not in English, and so do not give us a sample of the local tongue then spoken in Berwick; and (2) they have already been twice printed and one of these prints, though not following as closely as I could wish the Latin original (for no Latin was written and spelled in the thirteenth century as it is there given), is sufficiently reliable for the use made of it here. This print will be found in Houard's "Traités sur les coutumes Anglo-Normandes, publies en Angleterre, depuis le onzième jusqu'au quatorzième Siècle" (Rouen, 1776), vol. ii. pp. 467–487. An imperfect copy of the ordinances, printed, moreover, with inexcusable carelessness, though avowedly taken from Houard, is given in Dr. Wilda's "Das Gildenwesen im mittelalter" (p. 376); and it is the only sample he gives of gild ordinances. But, most strangely, he leaves out, from beginning to end, the titles of the ordinances. These are always valuable, in every case where they are found, as giving the authentic substance of what, when set forth at length, is sometimes obscure. I give these titles here, and a short summary of each ordinance.

(1) *Una Generalis Gilda observari debet.*

All separate gilds, heretofore existing in the borough, shall be brought to an end. The goods rightfully belonging to them shall be handed over to this gild. No other gild shall be allowed in the borough. All shall be as members having one head, one in counsel, one body, strong and friendly.

There shall be only one gild in the town.

(2) *De forisfactis Gilde.*

All fines of above eight shillings, saving king's taxes and what belong as of right to the provosts, shall go to the gild-stock.

Common fines shall go into the stock of the gild.

(3) *De legatis relinquendis Gilde.*

Bretheren of the gild shall, if they leave anything by Will, bequeath something to the gild.

Bretheren shall bequeath something to the gild, if they make Wills.

(4) *De recipiendis in Gildam post testamenta ab illis facta.*

Any one, not a brother, bequeathing goods to the gild, shall be treated as a brother, and shall have what help the gild gives to bretheren.

Men, not being bretheren of the gild, making a bequest to it, shall have the benefit of the gild.

(5) *De pœnâ confratrum delinquentium verbo contra alium.*

Any brother using foul words to another while going to, at, or coming back from, a gild-meeting, shall pay forty pence to the gild. If he does it again, not only a second and a third, but a fourth time, he shall be punished and make amends as the Alderman, Ferthingmen, Dean, and other bretheren think right.

If a brother is foul-mouthed to another, he shall be fined; and, on repetition, shall be further punished.

(6) *De injuriâ reali confratrum Gilde.*

If one strikes another, he shall pay half a mark to the gild, and make amends also. If blood is drawn, he shall pay twenty shillings, besides such amends as the Alderman, Ferthingmen, Dean, and the rest, think right, and this without any abatement. If any one brings a pointed weapon to the gild, he shall pay twelve pence to the gild.

Heavy fines shall be paid for bodily hurt done.

Weapons shall not be brought to gild meetings.

(7) *De mingentibus ad parietes Gilde.*

"Commit no Nuisance."

Whoever makes any mess at the gate of the Gild-hall, or against the walls while the gild is holding meeting, shall pay four pence to the gild.

(8) *De precio recipiendorum in Gildam.*

Payments by new-comers into the gild, not being sons or daughters of gildmen.

None shall be taken into the gild without paying at least forty shillings, saving the sons and daughters of gildmen.

(9) *De relevatione confratrum.*

Help shall be given to poor and ailing bretheren.

Whoever shall fall into old age or poverty, or into hopeless sickness, and has no means of his own, shall have such help as the Alderman, Dean, and Bretheren of the gild think right, and such as the means of the gild enable to be given.

(10) *De relevatione filiarum Gilde.*

Doweries shall be given to poor maidens.

If any brother die, leaving a daughter true and worthy and of good repute, but undowered, the gild shall find her a dower, either on marriage, or on going into a religious house.*

(11) *De subsidio in sepulturis.*

Poor bretheren shall be buried at the cost of the gild.

Whoever dies without leaving means enough to pay for becoming burial rites, shall be buried at the cost of the gild.

(12) *De relevamine confratrum pro crimine vexatorum.*

Help shall be given to bretheren charged with wrong-doing.

If a brother is charged, on a matter of life or limb, outside the borough, two or three gildmen shall help him, at the cost of the gild, for two days: afterwards, it must be at the brother's cost. If the brother has been rightly charged, he shall be dealt with as the Alderman and Bretheren think well.

(13) *De eo qui Gildam negligit.*

Burgesses who disclaim the gild shall not be helped by it.

If any burgess treat the gild with disdain, no brother shall give him any help, by word or deed, either in or out of the

* Compare an ordinance identical in spirit, though not in words, in the Ludlow Gild, before, p. 194.

borough, whether he be under charge touching life or limb, or whether he be in worldly trouble.*

(14) *De pœnâ non venientium ad Gildam.*

All bretheren shall come to meetings at the sounding of the trumpet.

Whensoever the Alderman, Ferthingmen, and Dean summon a meeting, to deal with the affairs of the gild, every brother shall come, at the sounding of the trumpet, under penalty of twelve pence.

(15) *De leprosis.*

No lepers shall come into the borough, a place for them being kept up outside the town.

No leper shall come within the gates of the borough; and if one gets in by chance, the serjeant shall put him out at once. If one wilfully forces his way in, his clothes shall be taken off him and burnt, and he shall be turned out naked. For we have already taken care that a proper place for lepers shall be kept up outside the town, and that alms shall be there given to them.

(16) *De fimis reponendis.*

No dung nor dust-heaps shall be put near the banks of the Tweed.

No one shall lay upon the banks of the Tweed, within the marks there set up, any dung or dust-heaps, so as to be a nuisance to those living near. Whoever does so, shall pay eight shillings.

(17) *De taciturnitate in curia gilde.*

"Silence in the Court."

While causes are being tried, no one shall speak, except the plaintiff and defendant, and their counsel, and the bailiffs who hold the court, under penalty of eight shillings.

(18) *De equis confratrum gilde.*

Every well-to-do burgess must keep a horse.

Every burgess worth forty pounds shall keep a horse worth twenty shillings. If it dies or is sold, he must get another within forty days, or pay eight shillings sterling.

* The sense of this may be misunderstood unless I give the original words, which are as follows:—"Si quis burgensium nostrorum hanc confraternitatem nostrorum contumaciter neglexerit, nullus confratrum nostrorum ei consilium vel auxilium, verbo vel facto, infra burgum vel extra, ministrabit, aut si super periculo vitæ et membrorum placitatus fuerit, aut in aliquo onere terreno incurrerit."

(19) *De molendinis manualibus.*

Hand-mills are not to be used.

No one shall grind wheat or other grain in hand-mills, unless through urgent need. The miller must have his share,—the thirteenth part for grain, and the twenty-fourth part for malt.

[See Ord. 42.]

(20) *De emptione lanæ, coriorum, et pellium.*

No townsmen shall trade in wool or hides unless he is free of the gild; but stranger-merchants may do so.

No one, not being a brother of the gild, shall buy wool, hides, or skins, to sell again, or shall cut cloths, save stranger-merchants in the course of trade. Such a one shall have neither Lot nor Cavil with any brother.

(21) *Nullus confrater dabit pecuniam suam mercatori extraneo.*

Underhand dealings in the way of trade shall be punished.

Any brother of the gild advancing money to a stranger-merchant, and sharing profits thereon, shall be fined forty shillings the first, the second, and the third time; and, if it be done a fourth time, he shall be put out of the gild. And in the same way shall any brother be punished who takes money from a stranger-merchant for such kind of trading.

(22) *De emptione mercium, que in navi adveluntur.*

The market shall not be forestalled as to ship-borne goods.

This ordinance regulates, in five clauses, the sale of the common sea-borne articles of food. The substance of it is, to hinder forestalling the market, and to ensure fair sales.

(23) *De mercibus vitiosis.*

As to goods that are fair-looking at top and bad below.

If any one buys goods, misled by false top samples, amends must be made.

(24) *De pretio mutonum.*

The price of mutton throughout the year.

Mutton shall not be sold from Easter to Whitsuntide, at dearer than sixteen pence the carcase; from Whitsuntide to the feast of St. James [July 25th] at dearer than twelve pence; thence to Michaelmas, at dearer than ten pence; thence to Easter, at dearer than eight pence. Whoever breaks this assise, shall pay a fine of eight shillings.

(25) *De carnificibus mercatoribus.*

No butcher, while he follows that calling, shall buy wool or hides.* Butchers shall not speculate in wool or hides.

(26) *De Brasiatricibus.*

No woman shall sell ale, from Easter till Michaelmas, at dearer than twopence a gallon; nor, from Michaelmas till Easter, at dearer than a penny. And the names of the ale-wives shall be registered.† The price that ale-wives may charge.

(27) *De Broccariis.*

Brokers shall be chosen by the commonalty of the town, and shall every year, at Michaelmas, give a cask of wine to the town, and their names shall be registered. Brokers shall be chosen by the commonalty.

(28) *De Regratariis.*

No huckster shall buy fish, hay, oats, cheese, butter, or any things sent to the borough for sale, before the stroke of the bell in the bell-tower of Berefrid. If any one does this, the goods shall be seized, and shall be given to the poor.‡ Goods for consumption shall not be bought up by hucksters before the bell rings.

(29) *De Anticipatoribus fori.*

Goods shall not be bought up before they reach the market. Goods so bought up, shall be forfeited to the gild. Forestalling of the market shall not be allowed.

(30) *De ementibus lanam et coria.*

No married woman shall buy wool; nor shall any burgess have more than one buyer of wool and hides. Whoever unreasonably ingrosses such goods out of the market, shall forfeit them to the gild, and pay a fine of eight shillings. Wool and hides shall not be ingrossed by a few buyers.

* The original of this ordinance is curious in its terms:—"Nullus carnifex, donec voluerit suum officium exercere, emat Lanam aut Coria, nisi velit abjurare Securim suam, et manum Bestiis non apponat."

† Much heed was given, by the old law of England, to the price and quality of ale. Berwick seems to have made no exception to this. See Ordinance (39) on p. 345. [L. T. S.]

‡ For the fate of hucksters in Exeter, offending in the matter of bread, see before, p. 337.

(31) *Nemo procuret forinsecum in placito contra vicinum.*

No burgess shall proceed against a neighbour by help of an outsider.

No burgess shall get an outsider to plead for him against a neighbour, under penalty of a cask of wine.

(32) *De conspiratoribus contra gildam.*

The gild shall be one and undivided.

Whoever tries to scatter or to split up the gild, shall pay a cask of wine.

(33) *De gubernatione communitatis.*

How the commonalty of Berwick shall be ruled.

The affairs of the borough shall be managed by twenty-four discreet men of the town, chosen thereto, together with the Mayor and four Provosts. Whoever of the twenty-four, having been summoned over-night, fails to come to a meeting, shall pay two shillings.

(34) *De electione majoris et prepositorum.*

The Mayor and Provosts shall be chosen by the commonalty.

The Mayor and Provosts shall be chosen by the whole commonalty. If there is any doubt as to the choice, the matter shall be settled by the twenty-four burgesses whom, as above-said, the Commonalty have chosen.

(35) *De revelatione consilii contra sacramentum.*

Bewrayers of the gild shall be heavily punished.

Whoever bewrays the counsel of the gild, shall, for the first time, be punished as the Alderman and others think fit. The second time, he shall be put out of the gild for a year and a day. The third time he shall lose the gildship for ever. And be it known that, not only in this borough, but throughout the realm, he will thus become an outlaw and infamous.

(36) *De chirothecariis et pelliparíis.*

No glover nor skinner shall cut wool during the summer months.

No skinner nor glover, nor any one else, shall cut wool from any skins between Whitsuntide and Michaelmas, but all skins shall be sold as they are. Any glover or skinner doing otherwise, shall pay a cask of wine to the gild.

(37) *De participatione halecum emptorum inter confratres.*

Whoever buys a lot of herrings, shall share them, at cost price, with the neighbours present at the buying. Any one not present, and wanting some, shall pay to the buyer twelvepence for profit.* Buyers of herrings shall share and share alike.

(38) *De cariagio vini.*

This ordinance regulates the manner of carrying wine-casks and the charges for such carriage. The carriage of wine-casks.

(39) *De brasiatricibus ementibus avenas.*

No woman shall buy [at one time] more than a chaldron of oats for making beer to sell. Too much beer must not be made.

(40) *De tempore emendi animalia.*

This ordinance is pointed against the forestalling of the market by butchers, in the way of buying up beasts unfairly. Butchers shall not forestall the market.

(41) *De venditione corii tannati.*

Tanned leathers, brought in by outsiders, must be sold in open market, and on market day. Leathers must be sold in open market.

(42) *De Molis.*

No one shall have more than two pair of mill-stones. Two pair of mill-stones are enough for anybody.

(43) *De Lot et Cavil.*

No brother of the gild ought to go shares with another in less than a half quarter of skins, half a dicker of hides, and two stones of wool.† Local custom as to sharing goods bought.

* This ordinance is curiously the same in spirit, though on so different a subject-matter, with one of the Gild of Joiners and Carpenters in Worcester. See before, p. 210.

† The original words are, "Nullus confrater nostræ debet habere Lot neque Cavil cum alio," &c. The meaning of the word "cavil" clearly appears to be *part* or *share*. See Halliwell's Archaic Dict.; and Spelman's Glossary, word "Lot," where a bye-law is quoted much like the Berwick one (20) above,—"quod nullus burgensis rure manens habet *lot* neque

(44) *De loco et tempore emendi mercimonia in navi delata.*

The buying and taking away of sea-borne goods.

Sea-borne goods must be bought "at the Bray,"[1] and must be carried away between sun-rise and sun-set, under penalty of a cask of wine.*

[1] (*sic.*)

(45) *De amerciamenta extraneorum mercatorum.*

Dues from foreign merchants go to the gild-stock.

All payments by foreign merchants shall go to the gild-stock and the borough fund, save what is due to the Crown.

(46) *Non licet foris-habitantibus emere vel vendere nisi in die fori.*

Out-dwelling brethren of the gild must deal in the town on market days.

No burgess nor out-dwelling brother shall buy or sell in the town any goods belonging to the gild, save on market-day. And no out-dwellers shall buy up victuals coming by ship to the town, under penalty of a cask of wine.

It took up five days to treat of and to settle these ordinances. The dates of these days are given. Two of them fell in A.D. 1283: the three others in 1284.

cavil cum burgensibus inhabitantibus." The phrase is thus equivalent to the modern "part nor lot" (see Acts viii. 21).

The use of this word may throw some light upon the true meaning of the discussed phrase "scot and lot," about which my Father had no doubt whatever. The words of the oath given before, p. 189, "I shalbe redy at scott and lotte, and all my duties truly pay and doo," do but strengthen and confirm the interpretation given by him, and which was corroborated by the conviction that within this homely phrase was contained the essence of English independence. The following was printed in "The Parish" (2nd ed. p. 474): "What follows from being one of the Body of a Parish is, the liability to two distinct things. . . . These two things are, *bearing lot* and *paying scot*. That is to say;—each inhabitant is bound to fulfil such personal duties, for and on behalf of the whole Body, as shall be *allotted* to him by that whole Body: he is *also* bound to pay his share of *scot* (shot) towards every general tax. The Offices [Parish offices] already named illustrate the former of these liabilities. All Parish Rates (and not any one of these in particular) illustrate the latter." I may add, that the words are employed in the same sense in "An Historical Essay on the English Constitution," published in 1771, pp. 20, 21, &c. [L. T. S.]

* This, like several of these ordinances (*e.g.* 22, 28–30, 40), is directed against forestalling and to ensure fair trade. See after, p. 353. [L. T. S.]

III.

GILDS

AND

MUNICIPAL BODIES.

ÞE OLDE VSAGES OF ÞE

CITE OF WYNCHESTRE,

ÞAT HAUEÞ BE Y-VSED IN ÞE TYME OF OURE ELDERNE;

ORDINAUNCES, CONSTITUCIONS, AND ARTICLES OF THE

CYTE OF WORCESTRE;

FROM THE ORIGINAL RECORDS.

THE OFFICE OF THE MAYOR OF

BRISTOL;

THE COSTOMARY OF THE MANNOR OF

TETTENHALL REGIS;

FROM AUTHENTIC COPIES OF THE ORIGINAL RECORDS.

THE documents printed in this Part throw great light upon the relations between the old Gilds and the self-governing Local Commonalties as Municipal Bodies. Already much has been seen of this, in dealing with the Gilds of Beverley, Birmingham, Bristol, Berwick, Exeter, &c. In those cases, the Gilds were the stand-point. In what follow, the Municipal Body is, in each case, the stand-point. As a general rule, the result is found to be one of harmony, and not of antagonism, between the Municipal Bodies and the Gilds.

In the first three of the very interesting documents which follow, the Gilds are expressly named, and their connection with the Municipal Body is more or less clearly seen. In the last, the Costomary of Tettenhall Regis, we have an important proof of how much of the spirit of the old Gilds lived on, notwithstanding the iniquitous plunder and subversion of them, under colour of an Act of Parliament, in the time of Edward VI. The tenants of the manor, who were a thoroughly self-governing Body, in shaping their bye-laws adopted many regulations of the same class as what are found in the more important of the old Gilds. The document is one of very special and instructive interest to those who would understand the real basis of free institutions.

I have to thank the Mayor, Council, and Town Clerk of Winchester for their liberal courtesy in placing the highly-interesting and valuable Roll of their "old usages" in my hands for the purpose of this work.

In the same manner am I indebted to the Corporation and to the Town Clerk of Worcester, for entrusting me with the four original volumes of Records from which I have here made large extracts (see before, p. 200, note).

Not to the Corporation of Bristol do I or any reader of this volume owe any thanks. We owe these, as already stated, to the liberality of a private gentleman (see before, p. 283, note).

As to the Costomary of Tettenhall Regis, I owe a double debt of thanks: *first*, to Mr. T. W. Cooper, of Hall Farm, Hampton in Arden, who kindly sent to me, unasked, a very old (but not quite complete) copy of the Costomary; and *secondly*, to Mr. Neve, of Wolverhampton, the Lord of the Manor of Tettenhall Regis, who, hearing that I proposed to print this document, sent to me the earliest Rolls of the Manor in his possession, together with several ancient deeds, and a complete copy of the Costomary of which Mr. Cooper had already sent me an earlier, but not quite complete copy.

Þese ben þe olde vsages of þe Cite of Wynchestre, þat haueþ be y-vsed in þe tyme of oure elderne, beth and sholle be to þe fraunchyse sauy and susteyney.

These usages have been, and will be, good for saving and sustaining the franchises of the City of Winchester.

Þat is to wetynge, þat þer be, in þe town by-fore y-seyd, Meyre, y-chose by þe comune grauntynge of þe foure and twenty y-swore and vf[1] [þe] commune, principal sosteynere of þe fraunchyse; weche mayre be out-put fram 3ere to 3ere. And wych meyre ne vndurfonge no playnte ne no play by hym, ne pleydy of þinges þat toucheþ the rewle of þe town.

The Mayor shall be chosen every year, by the four-and-twenty sworn men and the commonalty.

[1] (*sic.*)

Off þe heuedes of þe Cite, sholde be foure and twenty y-swore, in stede of þe meste gode men and of þe wyseste of þe town, for to treuleche helpe and counseyle þe forsaid meyr, for to saue and susteyne þe fraunchyse. Weche foure and twenty sholde, to þe comenable somaunse of þe forseyde meyre, come. And 3if hij be þennes, by-þowte ry3tful enchesoun, euerych by hym-selue be in mercy of one besaunt, to þe profit of þe Citee at eche tyme.

There shall be four-and-twenty Sworn Men,* for a council to help the Mayor; who shall attend him on summons.

* Men having local duties were heretofore very often known as "sworn men," as in this case. In "The Parish" (second ed., pp. 69, 70) I have cited several instances of this, from the time of the *Inquisitiones Nonarum* (A.D. 1340) down to that of James I. It should be here remarked that the various officers enumerated in the first five paragraphs of these "Usages" do not include all the men of authority that were then known in the city. There was a *Town Clerk*, who will be found often named in these Usages. There were also *Aldermen*, who had important duties, as is well illustrated in the last of these Usages, whereby the "Alderman of þe stret" is bound to take a view of premises in certain cases, where the owner of a house is so unhappy as to be unable either to get his rent or find goods to distrain upon.

There shall be two Bailiffs, who shall be chosen by the Commonalty, out of four named by the Mayor and 24, at the Michaelmas borough-mote.

Also, þer sholde be twey baylyues y-swore in þe Citee, and treweleche þe þefwyke wytye, and do alle men commune ry3t-fulnesse don. Þanne þe Meyre and þe foure and twenty, at þe borghmot of seynt mychel, sholle chese fowre gode men. And þe commune, of þes foure, chese þe tweyne afore y-sayd.

Also four Serjeants, to do the bidding of the Mayor and Bailiffs.

Also, fowre seriauntes sholde be in þe town y-swore, 3erdes berynge, for to don þe hestes of þe Mayre and of þe baylyues by-fore y-seyd.

And two Coroners; who are to act as well in the soke as in the city.

Also, twey coroners by-lyþ þat þer be in Wynchestre, y-swore in oure lord þe kynges by-halfe, oþer hys Justyces, to don here Offys al-so wel in þe sok as in þe Citee a-fore y-seyd.

The Bailiffs must every year lodge the plea-rolls, for common use.

Also, þe baylyues a-fore y-seyd sholde, at þe 3eres ende, 3elde vp here rolles of play and of þe Taraget, to lygge in commune ward for þinges þt my3tte by-falle.

The 24 must be impartial, and be careful in speech.*

Also, non of þe for-seyde fowre and twenty ne shal susteyne partye in Court of þe Citee, ne be tellere ne vndurnemere of wordes, in harmynge of þe ffraunchyse of þe town.

Makers of quilts and blankets† must work within the city, and pay an annual tax for the houses where quilts are made. Every worker does not become a freeman [?].

[1] (*sic.*)

Also, non of þe Citee ne shal don werche qwyltes ne chalouns hy[1]-þoute þe walles of þe Citee, vp-on peyne to lese þat good, oþer þat worþy. And doþ to wetynge, þat eueryoh gret hows in wham me workeþ þe qwyltes, shal to þe ferme v.*s.* by þe 3ere, þey he ne worche but o-lupy cloþ. And doþ to wetynge, þat non ne shal makye fraunk who þat euere hald in hys hows, oþer in oþer stede; out-nome on to þe meyres hows, and an oþer to þe hospytal, and þe þrydde to þe clerkes of þe town.

The price of burel [coarse]

And doþ to wetynge, þat þe Tapeners‡ þat worcheþ þe burelles,

* A cross is put against this usage; showing that it was held important.

† As the "chalouns" are here distinguished from "quilts," and as Chaucer describes

"A bedde
"With *shetes* and with *chalons* faire y-spredde,"

it seems to follow that chaloun is another name for blanket. It is certain that it was some sort of bed-covering, and the language does not seem consistent with its being a counterpane, as distinguished from a quilt.

‡ It is not quite sure what was the work of the "tapener;" he had to do with the chalouns as well (see pp. 351, 352). Chaucer speaks of a "tapiser," who is explained to be "a maker of tapestry." May not the word *tape* (A.S. *tæppe*), be connected with the root of both? There was

fram^e alle halowenetyd for here work shullen take for þe cloth xviij.*d.*: ffram þe annunciacioun of oure lady, and of þat tyme for to an-oþer tyme of al halowene, ij.*s.* cloth shall be according to the time of the year.

And doþ to wetynge þat non ne shal make burelle werk, but ȝif he be of þe ffraunchyse of þe town, out-nome þ^t eueriche fullere makye oon by ȝere, and euerych makyere on y-nome þe kynges ferme. Burel cloth shall be made by freemen of the town.

Aff oþere halue, doþ to wetynge þ^t þe chaloun of fowre ellen and o quarter of langnesse, shal habbe tweye ellen and an halfe Blankets of given lengths shall be made of given breadths.*

anciently a mystery of "tapicers" in London. (Herbert's Livery Companies, vol. i. p. 33.) [L. T. S.]

* It seems clear, from the measurements given, that the ell named in this "Usage" was the Flemish ell, of three quarters (27 inches). With the "Usage" itself, and the one that follows, the statute 4 Ed. IV. c. 1 (A.D. 1464), as to the length and breadth of broad cloths, &c., should be compared. It was not passed till more, probably, than a century later than the time of these "Usages of Winchester;" but it shows that the necessity for some regulations, to prevent fraud, had then become general, and were not confined to Winchester. It is a very remarkable statute. It begins by reciting that,—

"Whereas many years past, and now at this day, the workmanship of cloth, and things requisite to the same, is and hath been of such fraud, deceit, and falsity, that the said cloths in other lands and countries be had in small reputation, to the great shame of this land; and by reason thereof a great quantity of cloths of other strange lands be brought into this realm, and there sold at an high and excessive price, evidently shewing the offence default, and falsehood of the making of woollen cloths of this land; Our said lord the king, for the remedy of the premises, and to the preferment of such labours and occupations which have been used by the making of the said cloths, by the advice, assent, requ st, and authority aforesaid, hath ordained and established certain Statutes and Ordinances in manner and form ensuing." It is then enacted:—

"First, that every whole woollen cloth, called broad cloth, which shall be made and set to sale after the feast called St. *Peter ad vincula*, which shall be in the year of our Lord M.CCCC.LXV., after the full watering, racking, straining, or tenturing of the same, ready to sale, shall hold and contain in length xxiv yards, and to every yard an inch, containing the breadth of a man's thumb, to be measured by the crest of the same cloth, and in breadth ij yards, or vij quarters at the least, within the lists; and if the said cloth be longer in measure than the said xxiv yards, and the inches, then the buyer thereof shall pay to the seller for as much as doth exceed such measure of xxiv yards, according to the rate of the measure above ordained. And it is enacted and established by the authority aforesaid, That all manner of cloths called streits, to be made and put to sale

to-fore þe tapener in þe werke; þe chaloun of lengþe of fowre ellen and an halfe, shal habbe in worke þre ellen to-fore þe chaloun-makyere; þe chaloun of v. ellen, shal habbe in langenesse fowre ellen in þe werk to-fore þe chaloun-makyere. And þat euerich chaloun ouer þre ellen of lengþe out of a-syse be forfeted.

Blankets not made of the given lengths and breadths, shall be forfeited.

And þat þe chalouns þat eldernlyche hadde y-set, so halde here a-syse. And ȝif oþere chalouns beþ y-founde þat ne habbeþ þelke a-syse, in was hond hij beþ y-founde, be forfeted, ȝif hit ne so be þat hit ne be to sale.

after the same feast, after the full watering, racking, straining, or tenturing thereof, ready to sale, shall hold and contain in length xij yards and the inches, according to the measure aforesaid, and in breadth one yard within the lists. Also it is ordained and established by the authority aforesaid, That every cloth called kersey, to be made and put to sale after the said feast, after the full watering, racking, straining, or tenturing of the same, ready to sale, shall hold and contain in length xviij yards and the inches as is aforesaid, and in breadth one yard and a nail, or at the least one yard, within the lists."

The Act goes on to ordain penalties against certain mixtures with the woollen cloth; that cloth shall be made of uniform workmanship, "without difference in the weaving, fulling, knotting, or burling;" and that every piece of cloth shall be sealed with a seal, showing, by its shape and make, what is the quality and quantity of the cloth (in fact, an assay-mark). Provision is then made for the appointment of Keepers of the cloth seals (who are called "Aulnegers"), their duties and rewards. It is then recited that, "Whereas before this time, in the occupations of cloth-making, the labourers thereof have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares, under such price as stretcheth not to the extent of their lawful wages, and also have delivered to them wools to be wrought by very excessive weight, which hath driven, and driveth, men and women into discourage of such labour;" and it is enacted, under penalties, that clothmakers shall pay their "labourers, in any part of the said trade, *lawful money* for all their lawful wages and payment of the same," and shall deliver wool to them according to the due weight. On the other hand, the workmen, and especially the fullers, are enjoined to duly perform their duty in their occupations; likewise under penalties. Provision is made for the hearing and disposal, by the local authorities of every place, of all complaints and cases arising under these two last clauses. The whole statute is well worth careful study. Probably it did not touch the sort of woollen goods named in the above "Usages," because those Usages, kept alive under the vigilant eye of the bailiffs of Winchester, had already been found strong enough to meet the case. As to the means and the care formerly taken for the prevention of trade frauds, see further the General Note at the end of these Usages.

Also, no wollemongere, ne no man, ne may habbe no stal in þe heye-stret of Wynchestre bote he do war-fore. — No stalls to be in the High Street at mere will.

Also, no man ne may bygge leþer grene ne skyn grene in þe towun, but ȝif he be of fraunchyse, vppeyne to nyme þat good to þe ferme of þe town. And þulke þat beth in fraunchyse, by whom hij hem mowe bygge, ne shulle hem nowt wiþ-ouþe þe fraunchyse lede. — None but freemen may buy untanned leather or raw hides in the town; and these not to be taken out of the town.*

Also, no ffysshyere ne no pulter ne shal bygge ffysch ne pultrye for to aȝen selle, er þat vndren be y-ronge. — No fish nor poultry shall be bought for sale before undern (9 a.m.)

Also, none manere vytayles þat comeþ in-to towne to selle, ne be nouȝt out of þe towne a-ȝen bore vn-sold, ne wt-outen leue of þe baylyues, by-for þe tyme þat it be ones j-set to sale, to þe payne to lese þat good. — Victuals brought in for sale, shall not be taken back unsold without leave.

Also, no regratour ne go owt of towne for to engrosy þe chaffare, vpon payne for to be fourty-dayes in þe kynges prysone. — Regrators and engrossers shall be heavily punished.†

Of custome of þe ffysch is þus:—þat no man ne may habbe a bord but onleche of þe kynge, and ech bord shal to þe kynges rente a ferþynge þe day þat þer ys ffysch open; and þat ne no man out nyme by no manere of fraunchyse. — A rent of ½d. to be paid to the king for every board on which fish is shown for sale.

Also, euerych cart þat comeþ in towne, oþer fysh to sale, what fysh þat he bryngeþ, of what fraunchyse þat he be, he shal to þe kynge an halpeny, as meny tyme as he cometh, for þt bord þat stond by-fore hym. — Every one shall pay ½d. to the king for every load of fish that he puts out for sale.

Also, euerich cart, out of þe fraunchyse, shal to þe kynge by custome ij pans and an halpeny, what ffysh he bere to sale. And euerych horse-burdene of fresh fysh þat comeþ in-to þe — Every non-freeman shall pay, for every cart-load of fish brought in, 2½d.; and for every horse-load

* A cross is put, in the left-hand margin, against this Usage.

† "Forestalling the market," "regrating," "engrossing," and "monopoly," are offences of the same kind; and they are all of them offences at Common Law, as interfering with fair and open sale and prices, and with the freedom of trade. "That monopolies are against the ancient and fundamental laws of the realm," says Lord Coke, "and that the monopolist was, in times past, and is much more now, punishable, for obtaining and procuring of them, we will demonstrate it by reason, and prove it by authority." (*Third Institute*, p. 181.) The above Usage of Winchester might have been cited by Lord Coke as an illustration of his chapter "Against Monopolists."

of fresh fish, 1½*d.*, and of salt fish, ½*d.*

town to sale, and be out of fraunchyse, shal to þe kynge þre halpens of custome. And of shalt fysh an halpeny.

Every non-freeman shall pay, for every cart-load of salmon brought in, 3*d.*; for a horse-load, 2*d.*; for what a man carries, 1*d.*

And also, euerych cart, out of fraunchyse, comynge in-to towne wiþ samown, shal to þe kynge of custome þre þans, þey he ne bryñge but o sawmown; and han horseberdene, þey he brynge but oon, twey pans. And vp-on mannes rygge, a peny.

Five out of every hundred of lampreys shall go to the bailiffs, for their own behoof.

Also, euerych hundred of laumprons comynge in-to towne, shal fyue laumprons to custome to þe baylyues of þe town, to here owne by-of-þe, and non oþer custome.

Herring sellers shall pay 5*d.* to the king, and a pitcher of wine to the bailiffs. Salt fish is not to be wetted with water.*

Also, euerych sellere of herynge in þe lente, shal to þe kynge fyfe pans, and to þe baylyues a pycher wyn, of what fraunchyse þat he be. And no ffysshere ne shal wete myd-water salt fyche, þer þat þer comeþ fysche to selle, but 3if he do to þe baylyues werfore.

Every non-freeman fleshmonger having a stall, shall pay 25*d.* a year to the king.

Also, þe vsage of fleshemongeres ys swych, þat euerych fleshemongere, out of fraunchyse, þat haldeþ stal, shal to þe kynge of custom fyue and twenty pans by þe 3ere.

Every non-freeman having, or buying, goats, sheep, or swine, and selling them unslaughtered, shall pay 5*d.* a year to the king, and 1*d.* to the town clerk for registration, though he have but one beast, and only comes into town once a year.

Also, þulke þat buþ out of fraunchyse, þat haldeþ, byggeth Get, Shep, swyn, and a-3en selleþ vn-shlawe, shulde to þe kynge fyue pans by þe 3ere of þe custome of swyn. And to þe clerke of þe town, a peny for to entre here names, þey he hit ne do but o-lupy beest. ¶ And alle marchauntes of Get, Shep, oþer swyn, þat beth out of fraunchyse, and hauntеþ þe town, þey he ne come but ones in þe 3eer, so shulde þe selue custome.

Every baker shall pay to the king 2*s.* a year, and 1*d.* to the town clerk. The bread to be white and well baked; and it must be of full weight, under penalties according to the lack of weight.†

Also, euerych bakere of þe town þat makeþ bred to sale, shal to þe kynge of custome ij*s.* by þe 3ere, and to þe clerke of þe town a peny. And he sholde make whitbred, and wel y-bake, after þe sale of corn, and vp-on þe a-syse of þe marchasye; þat is to wetynge, þat 3if þe ferþingloff is in defawte of wy3te ouer twelf pans, þe bakere is in þe a-mercy. ¶ And for euerych defawte by-þynne þe amountaunce of þre shyllynges, as vp-on þe quantyte of þe trespace. ¶ And whanne þe ferþyng-lof is in defawte of

* The word "And" is written in the margin against this Usage. The meaning of such a note is not very intelligible.

† See the General Note at the end of these Usages.

wyȝte ouer þre shyllynges, þe bakere shal bere þe juwyse of þe town.

Als[o], euerych sullere of bred in þe heyȝestrete of Wynchestre, þat is out of fraunchyse, shal to þe kynge to custome, by þe ȝere, twey shullynges, and to þe clerk a peny, ȝif he selleþ meche by ȝere; and ȝif he sulleþ lasse, vp-on þe quantite. ¶ And at oþere stretes, sex pans oþer þre, oppon þt handworke is. And doþ to wetynge, þt non of hem ne sholde fecche here bred, but þere þe lapen stondeþ, vp-on peyne of þe amercy of þe byggere and of þe sellere, to-fore þe tyme of none. ¶ And þat non of hem ne fecche no bred of non bakere whanne hij ne mowe habbe no warant; and ȝif hij do, þat hem self hyt waranty. ¶ And þat euerych bakere habbe hys seal y-knowe vpon hys loff, þat he ne mowe wiþ-segge ȝif he is of take oþer þan weel.

Every bread-seller in the High Street shall pay to the king 2*s.* a year, and to the clerk 1*d.*, each more or less, according to how much he sells. In other streets, from 6*d.* to 3*d.* Bread not to be fetched from the baker's before noon, nor from an unregistered baker (save at risk of the buyer). And every baker must put his seal upon every loaf, so that he cannot disown it if the bread is not good.*

Also, euerich brewestere of myȝte of towne, þt breweþ to sale, þat hij make good ale, vp-on þe sale, vp-on þe corn, and vp-on þe assyse, y-ȝerle. And ȝif he oþer-loker doþ, be in þe kynges mercy, as many tyme as þe baylyues hem mowe of take.

Brewers being freemen, who brew for sale, must brew good ale, according to the assize. If they do otherwise, they will be amerced.†

Also no brewestere out of fraunchyse, ne may brewe wt-ynne þe power of þe Citee, to sale, but ȝif hij do warfore to þe baylyues vp-on þe quantite of here dedes.

Non-freemen must not brew for sale within the city without leave of the bailiffs.‡

Also, no man out of fraunchyse, of what craft þat he be, ne may bouþe halde, ne bygge, by-þynne þe power of þe town.

No non-freeman may have a booth [for sale of goods] within the town.§

Also, euerych cart (*? load of wool*) y-seld in þe town, to men out of fraunchyse, shal to þe kynge of custome an halpeny. Of myddel custome is þus:—þat oon (*? stone*) of wolle þt comeþ to towne freleche, and be out of fraunchyse, shal to þe kynge of

Every load of wool sold, in town, to a non-freeman, shall pay to the king a halfpenny. For one stone of wool brought into town by a non-free-

* A special mark is put, in the right-hand margin, against the last clause of this Usage, as to sealing the loaves.

† See the General Note at the end of these Usages.

‡ The word "brewester" is usually stated, in glossaries, to mean a female brewer. But it is expressly put down, in the *Promptorium Parvulorum*, as used for either male or female brewer.

§ In the margin of the roll, there is put against this "Usage" a mark thus ☞, and the words "℔ querꝰ" twice repeated; showing that the paragraph was often cited in behalf of complainants.

man, there shall be paid a farthing; two, a farthing; three together, a halfpenny; four, a halfpenny; five, a halfpenny; six together, three farthings; seven, three farthings; eight, 1*d.*; and for nine stones to one man at one time, 2*d.**

custome a ferþinge; and tweye to-gedere a ferþinge; and þre to-gedere an halpeny; and fowre, an halpeny; and fyue, an halpeny; and sexe to-gedere, þre ferþinges; and seuene, þre ferþinges; and eyȝte, a peny; of þilke þt beþ out of fraunchyse. ¶ And ȝif þer be nyne stones, to-gedere oþer scueraleche to one man, oþer at one tyme, þelke shal to þe kyng twey pans, for to y-wite of wiche fraunchyse hit be þat he hit haþ y-brouȝt.

Cheese, butter, grease, and smear pay the same toll as wool, half-weight counting the same as the whole.

Off Chese, botere, Grece, and smere, is in þilke selue manere in alle poyntes as is y-seyd by-fore of þe Custome of wolle. Chese, Botere, Grece, and Smere, þare þe kynges wyȝte by-lyþ, shal nyme as meche of þe halue peyse as of þe hole wyȝte.

Each sort of goods which ought to be weighed shall be brought into the town. Misdoers shall be punished.†

And doþ to wetynge, þt ech manere good, þare þe wyȝte by-lyþ, þat hit be y-lad by-þinne þe power of þe towne to selle; þe kynges by whas wyȝte hit be y-weye, and wych fraunchyse þt it be, and whos good þt hit be. ¶ And ȝif þer is eny pryue oþer straunge þat to þe wyȝte shal, and he hit hele ouer o nyȝt, he is in þe kynges mercy vp-on þe quantyte of þat mysdede.

Six good men shall be chosen, three by the commonalty and three by the 24, to gather in all king's dues and town rates; who shall

Also whan gaderynge shal be a-rered in þe Citee, by þe kynges heste, oþer for commune nedes of þe towne, sexe godemen shulde be y-chose by þe commune grauntynge, and y-swore,—þre of þe foure and twenty, and þre of þe commune,—to gadery þilke talage

* By the Statute of 43 Edw. III. (A.D. 1369) it is enacted, that "the staples of wools, woolfels, and leather, of the realm of England, shall be holden in the places under-written: that is to say, at Newcastle, Kingston-upon-Hull, Saint Botulph [Boston], Yarmouth, Queenborough, Westminster, Chichester, Winchester, Exeter, and Bristol:" freedom of trade in wools, &c., is guaranteed, "so that no wools, woolfels, nor leather shall pass out of the realm of England, Ireland, nor Wales, till they be brought to the Staples, and there weighed, cocketted, and customed; and that all the wools that shall be brought to the Staples at Westminster and Winchester, shall be, betwixt merchant and merchant, or merchants and other, lawfully weighed by the standard; and every sack and sarpler of the same wools so weighed, sealed under the seals of the Mayor of the Staple and of the constables;" &c., &c. This Statute, and more than one of the older "Usages" in the text, throw mutual light upon each other.

† A large cross is put, in the left-hand margin, against this Usage. See the General Note at the end of these Usages.

and vndurfonge, and trewleche hit spende and trewleche a-countes 3elde. ¶ And whanne Mayre, oþer baylyues, oþer oþere godemen, goþ out of towne, for commune profy3t vp-on þe commune porse, so þey sholde, at here a-3e comynge, 3elde trewe a-counte to þilke sexe a-fore seyd, by-þowte tary3ynge. ¶ And 3if eny good man of þe town leiþ his good to þe commune nede of þe town, by þe hondes of þese sexe y-swore by-fore y-seyd, be y-leued by skore, oþer by þilke selue y-3olde.

yield an account thereof. An account must be given to the six, of moneys gathered by the Mayor or others out of town. If any one find goods for common use, it shall be put to his score, or the goods be returned.

Also, whanne me porveyde gylde chaffare, me shal, by commune a-sent, by þe maystres of þe towne, a-spy3e folke þt be couenable and of good loos, and gadere þat ry3te of chepmen. ¶ And þat euerych of hem habbe fowre hynen stalworthe, oþer mo, and þelke þt beþ y-herborwed in foure houses, as hij ou3te to be in alle tymes. ¶ And whanne me haþ wel trewe y-chaffared in þe fowre howses, hij shulle hem a-sembly for to y-se þt hij habbeþ a-rered, and of þan þat hij mowe a-rere. And 3if þt eny þing ys mysdoun, by commune assent þat hit be a-mended. ¶ And 3if eny hows is more worþ þan an oþer, be hit y-charched to hys worþy. And þat seluer þt shal be a-rered of þilke hows by-fore y-seyd, be y-take to sexe godemen by-fore y-seyd y-chose and y-swore, for þe Commune assent, and treweleche wetye, and trewleche spende, and treweleche a-countes 3elde to godemen of þe town twy3es by þe 3ere, by skore oþer by scryt.

When the time comes for the great Gild-sale, men of good name shall be sought, to gather the fees of the merchants. Four or more stalworth servingmen shall be lodged in four houses. And when dealings have been done in the four houses, there shall be a meeting, to see what has been raised, and what may still be raised. Each house shall be charged at its worth; and the money raised shall be paid to the six men aforesaid, who shall yield an account thereof twice a year, in score or in writing.*

* Among the numberless losses which have befallen the original returns made from the Gilds in the time of Richard II., has been that of all the returns from Winchester Gilds. But it is well known that an important "Gild of Merchants" existed in that city at the time. In "Transcripts from the Municipal Archives of Winchester," by the late Town Clerk of that city, for a copy of which I am indebted to the courtesy of his son, the present Town Clerk, this "Gild of Merchants" is often mentioned, both early and late. So late as 1705, Prince George of Denmark was made a freeman of Winchester and "one of the Gild of Merchants" of the city. The close connection between the Gilds and the Corporations has already been shewn in the Introduction to this volume. It is not therefore strange that the arrangements for the great periodical sales, or fairs, such as the above "Usage" seems to deal with, should be found in a record of the Usages of this city. In some places in England there were "hans-houses," which were probably used as the head-quarters of these great sales or fairs, just as very many parishes used to have a so-called "Church House" for

Non-freemen shall pay to the bailiffs, at the town gates, for every cart-load of corn coming into the town for sale, a halfpenny toll; and for every horse-load, a farthing.

Every cart-load of iron or steel shall pay 2*d.*; a horse-load, 1*d.*

A cart-load of new saddles, whether pack saddles or others, shall pay 2*d.*; a horse-load, 1*d.*

A cart-load of mill-stones, 4*d.*; a cart-load of tin or lead, 4*d.*; a horse-load, 2*d.*

A cart-load of barrels, 1*d.*; a horse-load, a halfpenny.

A cart-load of tanned leather, for sale, 2*d.*; a horse-load, 1*d.*

A cart-load of madder, for sale, 2*d.*; a horse-load, 1*d.*

A cart-load of woad-waxen, 4*d.*; a horse-load, 1*d.**

Every cordwainer that has a shop, shall pay to the

Off Gates of þe towne of Wynchestre, whanne þe baylyües of þe town shulle nyme of hem þat beþ out of þe fraunchyse and custome, shulle is þus:—Þat euerych cart þ^t^ bryngeþ corn to towne to selle, an halpeny of custome as many tyme as he comeþ, and þe horsecharche a ferthynge.

Also, euerych cart þ^t^ bryngeþ yre oþer steel, twey pans; an horse-charche, a peny.

Also a cart þ^t^ bringeþ newe sadeles, to carye, by strete oþer by lanes, corden oþer tray, shal of custome twey pans; an horse-charche a peny.

Also euerych cart þ^t^ ledeþ mylle-stones, fowre pans. And euerych cart þ^t^ beretþ tyn oþer led to selle, fowre pans; and for an horse-charche, twey pans.

Also, tonnes and barelles þ^t^ comeþ in carte, sholde custome a peny; an horselode an halpeny.

Also, euerych cart þ^t^ bereþ y-tanned leþer to selle, shal twey [*pans*]; an horse-charche, a peny.

Also, euerych a cart y-lade w^t^ mader, þ^t^ comeþ to selle, twey pans; an horse charche a peny.

Also, y cart y-lade w^t^ wodewexen to sale, fowre pans; an horsecharche, a peny.

Also, euerych soutere þ^t^ wonyeþ in þe Citee þ^t^ halt shoppe, shal to þe kynge, by custome, sex pans by þe ȝere, and þo[1] þe

[1] (*sic.*)

public purposes. It seems from the above "Usage," that, in Winchester, four houses were used for these great sales. It is not clear whether they belonged to the Gild, or were hired for the time. The statement that the serving-men "ought, in all times," to be in the four houses, perhaps means that the houses belonged to the Gild, and ought never to be left empty.

* The "woad-waxen" seems to be the plant *genista tinctoria*, or "dyer's green-weed," which yields a yellow dye. As to what is more commonly called "*woad*," there is a strange contradiction between the authorities. In Macgillivray's "Withering's British Plants," it is stated to be the *reseda luteola*, which "affords a beautiful *yellow* dye, and is cultivated for that purpose;" while Loudon says that it was formerly called "glastum," and is the *isatis tinctoria*, which gives a *blue* dye. Both are English plants. Junius (*Etym. Anglic.*) gives a definition that agrees with Loudon, and not with *British Plants*:—"Wod, woad; Sandix, isatis, glastum," &c. Dr. Ure, in his "Dictionary of Arts," agrees also with Loudon.

clerke[6] a peny for to enrolly hys name, þey he ne come but ones a 3er.

king 6*d.* a year; and to the clerk 1*d.* for registration.

And al-so, vsage of þe mayster dyh3eres of peyntours in þe Citee, þ^t tweye3e godmen and trewe be y-chose by commune assent, and y-swore to assaye þe chaffare of straunge chapmen þ^t come þ in to þe towne to selle, and to don trewleche þe assys to þe sellere and to þe byggere.

The master dyers of the painters have a custom to choose two good men, who shall assay the goods of outsiders, as between seller and buyer.

Also, euerych tannere þ^t halt bord in þ^e heyestret of Wynchestre, shal, for þe stret þ^t he for-neme þ, twey shullynges by þe 3ere; and to þe clerk a peny in þe name of talage.

Every tanner shall pay 2*s.* a year for a stand in the High Street; and to the clerk 1*d.*

Euerych sellere fo[1] grece and of smere and of talw3, shal, at þe feste of Estre, to þe kynge a peny, in þe name of smergauel.

Every seller of grease, smere, and tallow shall, at Easter, pay to the king 1*d.*, as "smergavel."

[1] (*sic.*)

Verte.

Also, euerych sowtere þ^t make þ shon of newe ro þes le þer, shal bote, at þat feste of Estre, twey pans, in name of shongable. And þese vsages beth of hem þ^t beth of fraunchyse of sowter as of o þere.

[*In dorso.**] Every shoemaker using new ox-leather shall pay, at Easter, 2*d.*, as "shongavel."

Also, þer is, in þe Citee a-fore y-seyd, a seal commune and an autentyk, myd wham men sele þ þe chartres of ffeffement of þe town; wheche chartres hadde y-be in þe warde of þe Alderman þat hadde y-maked þe sesynges, a 3er and a day by-þowte chalangynge of ẽny man; to weche selynge lat crye þe ban þorghe þe town þe þridde day by-fore þe selynge.

The city has a "Common Seal" and authentic, with which the town charters [grants] are sealed. An alderman keeps the charters for a year and a day. Three days' warning must be openly given of the sealing.

And þe chartres þat þus were y-preserued by þe Aldurman by fore y-seyd, þat witnessede þe sesynge good, and wetynge of þe chartre w^t-þowte chalynge y-herd, and y-saued by þat seal for euere mo.

Such charters, unchallenged, are made good for ever by that seal.

And do þ to wetynge þ^t euerych chartre þ^t shal be a-seled,

The sealers of grants to have 6*d.* for wax and all.

* Three inches from the top edge of the roll, at the back, and so as to meet the eye when the roll is folded up and in its place, are written. in a large hand, the two numerals "C C." Doubtless this was the number by which the roll was known in some ancient inventory of the archives of Winchester.

þelke þt shal a-sely shal, for þe selynge, have sex þans for wex and for al.

There shall be three copies of the seal. Two of the twenty-four shall keep two, and one of the commonalty the third. All shall be kept in a coffer, set in a larger coffer having two locks; the key of one lock being kept by one of the twenty-four, and that of the other lock by one of the commonalty.*

And he doþ to wetynge, þt þe seal by-fore y-seyd shal be y-weted vnder þre heuedes. Warfore twey godemen of þe fowre and twenty y-swore, sholle kepe þe two, and a godeman of þe commune þe þridde. ¶ And þilke cofre wt þe þre heuedes shal be y-set in a more Cofre, y-fastened wt twey lokes. Warfore þt o goodman of fowre and twenty shal kepe o keyȝe, and on of þe commune shal kepe þat oþer keyȝe.

Rules of pleading in [the courts of] the city of Winchester.

Þe ordre of pledynge þt me pledeth in þe Cytee of Wynchestre ys by swych a-vys, þat euerych man of þe fraunchyse þt is empled, may habbe þre resonable somounces to-fore shewynge ȝif he hit habbe wele; þere þat a-tachement ne by-lyth nouȝt; and for hym-selue may habbe as vele.

Three summonses to be issued.†

And he doþ to wetynge, þat þulke þre somounces shulle be y-maked by þre dayes fulfullyd, but ȝif sollempne fest ne distourbe hit, oþer þat þe court ne be fram day to day y-helde, so þt þe playntyf to euerych court him profry to þe to somaunce procuratours.

And ȝif a man is a-tached þer þat somynge by-lyth to þe nexte court by þe dystresse delyuered, and he habbe þe ryȝtful somaunce after þe vsage of þe town, whanne þe heste is to don, þe furste somaunce on him be y-maked or he come to towne, ȝif hit ne be pley of lond by wryt.

Summons of outsiders.

And ȝif a man be-owt of fraunchyse be empleted, he ne shal habbe but one somaunce ouer o nyȝt, ȝif he ys in towne y-founde.

And ȝif he is y-pleted by wryt of plee of londe, so may he habbe, ȝif he wele, þre folwande somaunces, as þilke þat beth in fraunchyse.

A freeman, putting in appearance

And ȝef a man þt is in fraunchyse, at þe furste somaunce, oþer

* A mark is put, in the right-hand margin, against the second clause of this Usage, as to the coffers, locks, and keys.

† A cross is put, in the right hand margin, against this Usage.

at ꝑe secunde, hym shewe þ, he ys y-holde to answerye atte þe þrydde. to first or second summons, must answer.

And whanne he shewe þ wiþ-oute dystresse, weiþer he be of fraunchyse oþer ne be, and be of towne; so may habbe day of towne, and ten for ten; and ȝif hit be assone, oþer hit be shewynge ys y-pleted, al þat play eyȝte dayȝes for to he be a-skaped. Time for a townsman to plead.

And ȝef a foreyne empledy þe teþynge, þe teþynge ne haþ bote þre dayes to shewynge by þe dayȝe of þe towne, ne myd oþer delayes. Proceedings when an outsider impleads the tything.

And whanne þe teþynge empledeþ a foreyn, þe foreyn haþ his delay, of eyȝte dayȝes in to eyȝte, by-þowte day of towne, and y-preued after assoyne. When the tything impleads an outsider.*

Off play of londe, þe seyȝte þat non wyþorawe ȝef he ne toucheþ ryȝt. And þat commune law hym be y-entred, þe axere and þe defendaunt, to shewe of ryȝt tellyng, and in þe defendynge, and out nome mornynge vyȝtynge and gryeþ assyse; so þ^t þer be enqueste y-nome by twelue godemen y-swore ryȝt y-don to þe remenaunt. Pleas of land.

And doþ to wetynge, þat þe wryt þat me pledeth in þe Citee, by-fore Justyces, oþer by-fore baylyues of þe towne, beþ empne wrytes of newe dysseysyne, and of alle Justyces owt-nome ȝeres-rente. Writs of novel disseisin.

And wriȝt of ryȝt of dowarye, and of riȝtful partyȝe, and of riȝt, and of axere, and þe defendaunt may make a-torne to alle manere partyes and plays, by wryt in presence of partyȝe. And þ^t essoyne of oþer men ne be a-lowed in none manere of play y-cast, for þilke þ^t fyndeþ somaunce; and ȝif he nys y-founde, be y-cast þe assoyne vp-on þe fyfte somaunce oþer nouȝt a-lowy. Proceedings on writs of dower, &c.†

And so habbe fowrty dayes; and ȝif he in þe fourty dayes comeþ in-to towne, and he wele sewy, be a-ȝen somened vp-on þe somaunce a-fore y-seyd. And may þanne, ȝif he wele, caste a new soyne of harme y-falle, and habbe delay eyȝte dayȝes, so þ^t, by-

* A cross is put, in the left-hand margin, against this Usage.

† There is a special mark, in the left-hand margin, against this Usage.

fore answere, ne legge non oþer delay, but ȝif hit be for swerynge of mo parteneres of play of londe by ryȝt.

Pleas of debt.

And of plee of dette is þus vp-on þe heued answere; ȝif þt þe axkere bryngeþ skore oþer wryt, and aske þe berynge y-holecheche, no day of answere be y-grȩunted by þe court, wt-þowte grauntynge of þe askere, but þe defendaund grauntеþ.

Whos paye y-maked by skore oþer by scryt oþer by sywete, so þt he bere tayle tayle[1] oþer scryt, to preue hit vp-on hure nature, and ȝif he lete, sende his adversaryȝe habbe his defens vp-on on ryȝt of londe.

1 (*sic.*)

Proceedings on death of a freeholder.

Also after þe deth of euerych haldere in ffee, sholle þe baylyues of þe Citee seysy sympleleche þe tenemens of weche he deyd y-seysed, for to y-wyte bet who-so is next eyr. And at þe nexte Eyr, and at þe nexte court, by þe for-seyde tenemens y-ȝoulde, so ȝif eny more next a-leggy þt in erthe his frendes day to don hem come vp-on þe dystaunce of godes.

And ȝef he is out of londe fowrty dayȝes, and ȝif he at his day comeþ, habbe he shal þt ylke stat þt he shulde haue y-had, ȝif he hadde be present þe day þat his eldere deyde. And ȝif at hys daye ne comeþ, and weneþ riȝt, habbe hys cleym vp-on þe lawe of londe.

The usage as to a year and day's possession, whether by descent or purchase.

And of a ȝere and o daye y-vsed in þe Citee, doþ to wetynge: who-so þt euere lond oþer tenemens, by fallynge oþer by purchase of whom he habbe seysyne by baylyues, oþer by certeygn borw of þe comynge, a ȝer and a day, by-þowte cleym and chalangynge of eny, be þe askere out-putte for euere, but ȝif he were with-ynne age, oþer out of londe, oþer in prisone, oþer þat þer be ryȝtful partyȝe.

Proceedings where rent is unpaid.

Also, vsage of ȝeer and of day a fore y-seyd:—þt ȝif eny þo þat nymeþ rente of eny tenement in frȩunchyse of þe Citee, and his rente holleche be by-hynde, oþer half oþer more, and he ne fynde for to dystreyne, and he habbe housynge and folk wonyȝynge; by leue of þe baylyues of þe town, nyme þe dores and þe fenestres. ¶ And ȝif myd þan ne may hys tenement riȝt, ne oþer dystresse fynde, by sewte of þe court, and þe syȝte of alderman of þe stret, and of a seriaunt, be y-set a stake on þe lok þar is þe dore,

and be y-entred in þe court; and sewe fram eyȝte dayȝes to eyȝte; and þe þrydde and þe furþe a ȝer and a day y-fuld of þe furste day of sewte. And ȝif þanne non ne comeþ to don þe riȝt, lese þe tenaunt by-þowte rekenerynge, wheyþer he be of age oþer ne be, so nauȝt þer-fore þt by-fore þt ȝaf iugement y-passed, myȝte eueremore grey doun. Wych jugement ne be delayȝed, to þe harme of þe askere, and to swych sewte be y-maked to londe y-sold where þt þer nys. And þt no man ne legge in lond ne in tenement by-fore y-seyd, þe whyle þe suquestre ys þare set.

Explicit.

GENERAL NOTE.

THESE "Usages" of Winchester are now printed for the first time. The original is an ancient Roll, of the fourteenth century, made up of two skins of vellum sewed together. The entire Roll is five feet and two inches and three-quarters in length, and varies in breadth from seven and a-half inches to eight inches. The greater part of the upper edge has been irregularly torn or cut away, and the same thing has happened to the left-hand margin at the bottom, for a length of eight inches. In neither case, however, has any writing been destroyed, except that the initial letters of the nine lower lines are partially gone. One small word is destroyed in the first paragraph, a hole having been eaten in the Roll.

The original writing was in a strong and fair hand; but many parts have become so worn and faint, through time and use, that they have been by no means easy to decipher. The heading is written in red ink; and the first letter of every paragraph is also put in a large capital red letter. There are also rubrications, after full stops in the middle of several of the paragraphs. A wavy red line is put between each of the first twenty paragraphs, and also between the twenty-sixth and twenty-seventh paragraphs, but not elsewhere. The Roll is written on both sides.

The greater part of the Roll is of general interest; and I have given a marginal abstract of all those parts. But the latter nineteen clauses of the "Usages" touch upon technical matters of pleading, &c.; and,

though useful to the philologist, they can have no general interest. I have, therefore, only pointed out their subject.

I have added a few notes. To do full justice to such an interesting document would alone require a volume.

[As to the exact date when these Usages were made, that cannot be now ascertained. In the cases of the Bristol Ringers (before, p. 293), and of the Tettenhall Customary, we have the ancient Ordinances preserved to us through later copies taken one after another. In the case of Winchester, the record itself, though very ancient, points back to the still earlier "tyme of oure elderne," in which these now "olde" Usages were used, so that this, itself written in the fourteenth century, must be a copy of a still older document.

The curious picture of the municipal self-government of so important a city as Winchester, presented by these Usages, is of the highest interest. It not only carries us back to the early municipal and commercial life of the city, and its connexion with the Gild of Merchants (see p. 357), but shows what care our forefathers had, among themselves, ages ago, for the matters that pertain to general health and justice. As the study of the old laws on those subjects helps the understanding, both of these Usages and of the Ordinances of Worcester and of Bristol, a short summary of some of them will not be out of place here.

From a very early time the need for establishing some general rules, touching the fair supply of certain necessaries of life, has been recognized in England. As Lord Coke says, "for weights and measures, there are good laws made before the Conquest;"* but without going back so far, it is enough to begin with the Magna Charta of John, which contains a chapter (35) declaring that there shall be uniform measures and weights throughout the kingdom. The substance of this chapter is found in the subsequent confirmatory editions of Magna Charta. In that confirmed in the 9th year of Henry III., and again in the 25th of Edward I., it stands as follows:—"One measure of wine shall be through our realm, and one measure of ale, and one measure of corn, that is to say, the quarter of London; and one breadth of dyed cloth, russets, and haberjects, that is to say, two yards within the lists. And it shall be of weights as it is of measures." As the prices of bread and of ale depend on that of corn, the importance of this law was very great. A general principle was here affirmed, other Statutes however dealt more with details, the examination of which throws much light on many of the clauses in the Winchester Usages.

* Second Institute, p. 41.

There is a group of three Statutes, usually assigned to the date 51 Hen. III. (1266), of much interest on this subject. The first of these, called "The Assise of Bread and Ale," begins by settling the weight of the farthing loaf of different qualities of bread relatively to one another, and goes on to fix a table of the relative weight of bread to the price of corn. The first sentence of this table declares that "when a quarter of wheat is sold for xviii*d.*, then wastel bread of a farthing, white and well baked, shall weigh iv*l.* x*s.* viii*d.*;" as the wheat increases in price, of course the farthing loaf diminishes in weight, so that when we come to wheat at 20*s.* the quarter, it only weighs 6*s.* 9¾*d.* It is further shown what gain there will be to the baker, "as it is proved by the King's bakers." As to ale, it is declared that "when a quarter of wheat is sold for 3*s.* or 3*s.* 4*d.*, and a quarter of barley for 20*d.* or 2*s.*, and a quarter of oats for 16*d.*,* then brewers in cities ought and may well afford to sell two gallons of beer or ale for a penny, and out of cities to sell three gallons for a penny. And when in a town three gallons are sold for a penny, out of a town they ought and may sell four; and this Assise ought to be holden throughout all England." Punishments are added for not keeping these Assises.

The second of these Statutes, "The Judgment of the Pillory," sets forth the manner of making local inquests;† and gives detailed articles of inquiry to be made (among other things) as to weights and measures; the price of wheat, and the agreement therewith of the weight of the "wastel of a farthing" (for default in which "the baker ought to be amerced, or to undergo judgment of the pillory, according to the law and custom of the Court");‡ the Assise of wine and of ale, and the price of the latter. It is declared that upon every measure, weight, "and also upon every loaf, the name of the owner shall be distinctly written."

The third Statute, "Concerning Bakers, &c.," declares that "the Assise of bread shall be kept, according as it is contained in the writing of the Marshalsey§ of our lord the King, delivered unto them, after the sale of wheat, that is to wit, the better, the worse, and the worst. And as well wastel bread, as other of what sort soever they be, shall be weighed, according as it is said, by the sale of the middle

* They made beer of oats in Berwick (see before, p. 345).

† "The Boke for a Justyce" (1541) charges the jury to inquire "of Mayres, Bayliffes, Sheryffes of Towneshyppe, if they haue putte and done their offyces of settynge of the assyse of breade and ale." (Book I. p. 20 *b.*) See this in active working in Worcester, after, p. 381.

‡ Is not this judgment the "juwyse of the town"? See p. 355.

§ The "marchasye" of the Usages, before, p. 354.

corn." "Every baker shall have a mark of his own for his bread." Bakers and brewers not keeping the Assise are to be punished.

In "The Mirrour of Justices," written in the time of Edward I., among the articles of inquiry set forth as usually made at the view of frankpledge in the Hundred-court, is the following:—"Of every breach of the Assise of bread, beer, wine, clothes, weights, measures, beams, bushels, gallons, ells and yards, and of all false scales, and of those who have used them." Like inquiries are directed to be made by the Statute known as "The View of Frankpledge" (18 Edw. II.).

The Act 23 Edw. III. c. 6 (A.D. 1349) enforces the responsibility of the mayors and bailiffs of cities, boroughs, and sea-ports, for the sale "of all manner of victual" (among which are bread and ale) at "a reasonable price." This Act is confirmed and re-enforced forty years later by the 13 Rich. II. c. 8. The Usages of Winchester illustrate the recognition of the responsibility thus declared.

The making of horse-bread was formerly a regular part of the baker's business. The Statute 13 Rich. II. Stat. i. c. 8 (1389) ordains "that no hosteller make horse bread in his hostry nor without, but bakers shall make it." The Ordinances of Worcester also affirm the same (after, pp. 376, 406). At Exeter the horse-loaf was to be made of "clene benys" (before, p. 337); but the "Assise of Bread" had it that "the lof of *al maner of corn*, that is to say, the horse lof, shal wey two halfpeny white lofis." (MS. Book of Orders for Bakers, by two Clerks of the Market. Date about 1468; quoted in Strype's Stow's Survey, ed. 1720, bk. v. p. 341.) In Elizabeth's time the bakers are to "sell and deliver unto innholders and victuallers in horsebread, but three loaves for a penny, and 13 pennyworth for 12*d.*, every one of the same three horse loaves weighing the full weight of a penny white loaf, whether wheat be good, cheap, or dear." ("Book of Assise," by J. Powel, quoted in Strype, as before, p. 338.)

As to weights and measures and the care taken to maintain these just, the enactments are too numerous to specify them all here. It has been seen what Magna Charta declared on the matter. In the Statute "Concerning Bakers, &c." before mentioned, after providing for the maintenance of the imperial standard of bushels, gallons, and yards, it is enacted that "no measure shall be in any town unless it do agree with the King's measure, and be marked with the seal of the commonalty of the town. . . . . And all the measures and yards, both great and small, shall be viewed and examined twice in the year. . . . . The standard of the bushel, gallon, and yard, and the seals wherewith measures are to be sealed, shall be in the custody of the Mayor and bailiffs, and of six lawful persons of the same town being sworn, before whom all measures shall be sealed." The Statute

25 Edw. III. Stat. v. c. 10 (A.D. 1351), after reciting "the Great Charter that one measure shall be throughout England, which Charter hath not been well kept and holden in this point in times past," proceeds to enact "that all the measures, that is to say, bushels, half-bushels, peck, gallon, pottle, and quart, throughout England, within franchises and without, shall be according to the King's standard." This Act was confirmed by an Act of 8 Hen. VI. c. 5 (A.D. 1429), when it was further ordained that a common balance, with common weights sealed according to the Standard of the Exchequer, should be kept in every city, borough, and town. This appears to have been done in Winchester (see before, p. 356).

That these enactments were not a mere form, but were carried out in practice, is also illustrated by the following articles of inquiry to be made by the jury of every Court Leet, quoted from "The Maner of Kepynge a Courte Baron and a Lete" (published about 1541). "Also of all common bakers amonge you that make vnholsom breade for mannes body & kepe nat the assyse, ye shall do vs to wete. Also of all brewers & tapsters that brewe and kepe nat the assyse, and sel by cuppes, dysshes, and bolles, and by measures vnsealed, ye shall do vs to wete. Also if there be any amonge you that vsethe double measures, that is to say, a great measure to bye with, and a smaller to sell with, or vseth false ballaunce or weyghts or yardes in deceyte of the kynges people, do vs to wete."

It will be observed above, in speaking of the Assise of bread, and also in the clauses of the Usages of Winchester touching the sale of bread, that the weights made use of were *pounds, shillings,* and *pence*—the baker is to be punished according to the amount that his "ferthing loaf is in default of weight over twelve pence," or "over three shillings" (see before, pp. 354, 355). A Statute called "The Assise of Weights and Measures" (printed as 31 Ed. I.) is worth study in connexion with this point. It begins thus:—"By consent of the whole realm the King's measure was made, so that an English penny, which is called the sterling, round without clipping, shall weigh 32 grains of wheat dry in the midst of the ear; 20 pence make an ounce; and 12 ounces make a pound London, to wit, twenty shillings of sterlings; and eight pounds make a gallon of wine; and eight gallons of wine make a bushel of London; which is the eighth part of a Quarter." The Act gives much curious information as to the value and worth of measures, weights, and computations then declared to be in use. Among others,—"Item, it is to be known, that the pound of pence, spices, confections, as of electuaries, consisteth in weight of twenty shillings. But the pound of all other things weigheth twenty-five shillings. But in electuaries the ounce consisteth of twenty pence, and the pound contains twelve ounces: but in other things the pound

contains fifteen ounces: but the ounce in either case is in weight twenty pence."

Ill-seeming men were apt, in ancient times as well as modern, to overreach their neighbours in the way of trade if they could. Piers Ploughman gives a long string of the sins of Covetous, and makes him confess that

"Wikkedly to weye
Was my firste lesson;
To Wy and to Wynchestre
I wente to the feyre
With many manere marchaundise.
Ne hadde the grace of gyle y-go
Amonges my chaffare.
* * * *
My wif was a webbe
And wollen cloth made.
She spak to spynnesteres
To spynnen it oute.
* * * *
This craft my wif used.
Rose the Regrater
Was hire right name.
She hath holden hukkerye
All hire lif tyme." (Passus Quartus.)

The frauds in cloth-making which Covetous here says he used,

"Till ten yerdes or twelve
Hadde tolled out thrittene,"

were met by many and various Statutes, of which examples have been given before, pp. 351, 356.

The Acts directed against "fore-stallers of wines, victuals, wares, and merchandises which come to the good towns within the realm by land or water," (2 R. II. Stat. i. c. 2), engrossers, and regrators,* are numerous, and were continued till comparatively recent times. The before-named Statute of Bakers, &c. (51 Hen. III.) gives a good specimen of the mode of dealing with a forestaller, who is pointed out in indignant words to be "an open oppressor of poor people and of all the commonalty, and an enemy of the whole shire and country;" it is declared that "he that is convict thereof, the first time shall be grievously amerced, and shall lose the thing so bought, and that according to the custom and ordinance of the town; he that is convict the second time shall have judgment of the pillory; at the third time

* See before, p. 353.

he shall be imprisoned and make fine; the fourth time he shall abjure the town." And a principal object of the inquiries that used to be systematically made before the administrative officers throughout the country, was to ensure the due execution of the laws against these and other like offences against just and fair trading (see "Ye Office of Shyryffes," about 1530; "The Boke for a Justyce of Peace neuer so wel and dylygently set forthe," 1541, pp. 20 *a* to 21 *b*; Lambard's "Eirenarcha," 1614, pp. 349, 450, 607).

Forestalling, regrating, and engrossing seem to have been, notwithstanding, ever-living offences, for so lately as the year 1800, the "high price of provisions having manifestly been occasioned by forestalling and regrating, more than by any real scarcity," (*Aris's Birmingham Gazette*, Aug. 4, 1800), the inhabitants of Birmingham were obliged to appoint a Committee for their prevention in the town and neighbourhood. The Committee advertised "clear definitions" of the offences, which agree almost exactly with those given by Statute 250 years before. ("Century of Birmingham Life," vol. ii. p. 101. By J. A. Langford, who has kindly furnished several particulars.)

L. T. S.]

II.

THE ORDINANCES OF WORCESTER.*

(*a*) The Kalendar of the Ordinances.

[In the volume itself this Kalendar comes after the Ordinances. It will obviously be more convenient that it should here come first, containing as it does a summary of the contents of those Ordinances. It will be seen that while there are lxxxij. Articles, the Kalendar reaches only to lxxix. The reason of this is, that the three additional articles were made later, and written by a different hand, as will be found explained in the General Note.]

The Kalender of the articles and acts afore specified.

j. . . . ffirst that the articles of the yelde aforeseid be redde and declared at the lawday, and that the charto^{r} be putt in the Tresory.

ij. . . . Item, that the Baillies put in execution alle ordinauncez of the the[1] seid yelde and of the lawdayes. (*sic.*)

iij. . . Item, that the chamberleyns resceyve alle maner rentez an other profitez of the cite. And that they be swore to make dewe rekenynge, and tho that have keyes of the comyn cofre make delyveraunce of hem at the lawday.

iiij. . . Item, that the comyns may haue knowleche of hur comyn grounde and of the circuite of ther ffraunchese.

v. . . Item, that the Baillies make accompts of the Grenewax, &c.

* From the original Record in the archives of the city of Worcester. For a description of the volume, and such explanations as seem necessary, see the General Note at the end of the Articles.

vj. . . Item, that euery officer accomptable make his accomptez wtyn a quartr and pay ther arrerages vpon ther accompts.

vij. . . Item, that euery man amerced in the aldermens courte paye his amercement, peyne of xl.*d.*

viij. . . Item, that the counseille of the cite appere euery quartr in the counseille house, to put in execucion alle such things as ys comprised in this article.

ix. . . Item, that the Bakers make no fyne wt the Bailliez, and that they haue assie euery saterday. And that they bye no corne tylle a certeyn houre, as ys lymitted vnto them.

x. . . Item, that the Bakers resceyve no corne in ther houses on Saterdayes.

xj. . . Item, that the comyns may be serued of ale. And that the tastors of ale be citezeins.

xij. . . Item, that the comyns haue the Cowle to mete ale wt.

xiij. . . Item, þt straungrs by no Barly tylle the Brewers be serued.

xiiij. . . Item, þt women be sole marchaunts.

xv. . . Item, that the Bitters be redy when eny parylle of fuyre ys.

xvj. . . Item, that good ouersight be hadd vpon keywoode and collys.

xvij. . . Item, that the wolle weght be but of ij. lb. and half, and in this article ys comprised clothemakynge and other thynges, as it more openly apperith in the same.

xviij. . Item, that wolle comynge to the towne be solde in the yeld halle, and custume therfore to be payde. And that the corvesers bye ther lether in the seid yeld halle.

xix. . . Item, that no horsez ner marys stande in the markett.

xx. . . Item, that euery man kepe his soyle clene and his pavyment hole.

xxj. . . Item, that Bawdes, scolders, and chiders, and recettors of mens children, be punysshed by the Baillies.

xxij. . . Item, that v. pageunts be hadd amonge the crafte̅s; and that the stewards and the contributories ther to belongynge make accomptes as trouth requirt.

xxiij. . Item, that good rewle and pease may be hadd bytwene Gentylls of the shire and the cyte, at alle dayes.

xxiiij. . Item, that intrailles of bestes and blode pütts be clansed and caried awey by night and not by day.

xxv. . . Item, that ther be ordeyned v. ffuyre hokez.

xxvj. . Item, that no chimneys of tre, ner thached houses, be suffred wtyn the cyte, but that the owners make hem of bryke or stone.

[1] (*sic.*) xxvij. . Item, q[d][1] ther be but xxiiij. of the gret a-cloth. And that they have lyverey of a sute. And who so refusith, to lese vj.*s.* viij.*d.*; and yf eny of the xlviij. dissease, to chese another in his stede, &c.

xxviij. . Item, that the worthy men graunte no yefte of the comyn gader wtout the aduise of the xlviij. comyners, &c.

xxix. . Item, that wyndowes and dores of newe made into the yelde halle be stopped vp ageyn.

xxx. . . Item, that no man pley at tenys or pame wtyn the yeld halle.

xxxj. . Item, yf eny of the xxiiij. or xlviij. discouer the comyn counseille that ys seid in the comyn house.

xxxij. . Item, that the citezeyns be redy in kepynge the kyngs pease wt the Baylly. And that they haue armor. And yf eny of them helpe eny straungers, &c.

xxxiij. . Item, that no man resceyve lyverey ayeinst the statute. And that no gederyngs or assembles be hadd. And that no man go armed; and that euery man obey the kyngez officers. And that no man yeve lyvereys, &c.

xxxiiij. Item, yf eny man make afray wtyn the cite, or drawe his sworde or daggar, hit to be forfet. And yf he drawe bloode, to lese vj.*s.* viij.*d.*, &c.

xxxv. . Item, that no man be made citezeyn wtout he paye xiij.*s.* iiij.*d.*, except he be a Burgeys son or a prentise vij. ȝer.

xxxvj. Item, that no citezen be made in secrete place, but openly, &c.

xxxvij. Item, that ther be no Burgeys made wtyn the cite, but that he be resiaunt wtyn the seid cite. And yf eny go out, &c.

xxxviij. Item, that no citezen be putte in comyn prison, but in on of the chambors benethforth.

xxxix. Item, how the seriaunts shall serue a capias &c. And that they go not vn Cristemas day for ther offerynge. And that no man be compelled to yeve them, &c.

xl. Item, that no citezein rebuke the Bailly, peyne of xx.s. And that no man reprove the Aldermen, chamberleyns, recordor, &c.

xlj. Item, that no Burgeys foreyn be made but that he be sworen to dwelle wtyn the cite. And that no citezein by or sille for another man vnder color. And that no citezein straunger hyre eny house wtyn the yelde halle, &c.

xlij. Item, that euery citezein and burgeys wtoutforth paye alle maner chargs as citezens do that dwelle wtynforth.

xliij. Item, that no citezein resident havynge protection, bynge outlawed or accursed, bere eny office wtyn the seid cite, vn peyne of forfettynge of his ffraunchise.

xliiij. Item, how the eleccyon of the citezens shalle be openly in the halle, for them that shalle go to the parliament, &c.

xlv. Item, that no citezen sewe another in a foreyn courte vnto the tyme he take his accyon wtynforth, plee of londe only except.

xlvj. Item, that no citezen inhabitaunt wtyn the cite be attached by his body for eny accusement or trespas, &c.

xlvij. Item, that euery tensur be sett at resonable fyne. And of makynge of citezens yf he be sufficiaunt.

xlviij. Item, of men endited afore the Baillies, that they have affurrors. And that ij. affurrs be chosen in the pleyne courte by the alderman.

xlix. . . Item, that alle maner laborers that wolle be hyred to werke shalle stande at the Grascroys at certein houres, &c.

l. . . . Item, that seriaunts be chosen the day of eleccion. And that they be citezens vij. ȝer. And yf the Baillies be absent, to be chosen by them that electe the Baillȝ. And no officer be chosen but that he be of good name and fame. And that they were no mans lyverey. And so forth, &c.

lj. . . . Item, that no Sadeler, bocher, Baker, ne Glover, ne none other persone, caste intrelle, ne fylth of Bests donge, or doust, over Severne brugge, ne beyonde the seid Brugge.

lij. . . Item, that no ffyssher bye no ffyssh of no foreyn, commynge to vitelle the cite, tylle the comyns be serued. And that the straunge ffyssher selle it hem self. And that they forstalle no fysshe by the wey, and that the Aldermen take no fees, ner ther servaunte, and sic de ceteris.

liij. . . Item, that the Brugge may be ouerseyn at alle tymes for the surete of the cite. And that the reparacion of the seide Brugge be ouerloked by the chamberleyns euery quarter, &c.

liiij. . . Item, that the slippe and the keye, and the pavyment ther, be ouerseyn and repared. And that ther be ordeyned a water Bailly at the lawday when other officers be chosen.

lv. . . Item, that ffrogmylle yate be sufficiently made, for grete parylle that might falle to the cite. And that the chamberleyns yeve attendaunce to the wallys of the towne, and that they be repared.

lvj. . . Item, that no man caste donge or harlotry at the slipp, ner vpon the key. And that no man have swyne goynge at large, or els put them awey vpon certeyn warynge.

lvij. . . And that the Tylers of the towne compelle not straunge tylers to serue at their rule. And that they kepe no parliament; and that euery tyler marke his tyle.

lviij. . Item, of the Towneclerkshipe, that it be occupied by a sufficient persone and a discrete, &c.

lix. . . Item, that the attorneys of the cite be sworen, and citezeyns, and that they vse no fals accions; and that they be not of clothynge outward .otherwyse then the statute wolle.

lx. . . Item, this article telleth how enquests shuld be taken, and the manner of pledynge. And of distringas, wt other neccessarie things therto accordynge, &c. [And also of persons acused how they may be tryed by xij. men yef they will.*]

lxj. . . Item, how the counscille of the cite shalle assemble at the ryngyng of Seynt Andrewes Belle. And how longe the chamberleyns shalle abyde in ther office. And also of Bowebell rynggyng.

lxij. . . Item, that at euery yelde fro hensforth, the actes and articles that shalle be made shulle ij. be redde afore the comyn counscille of the cite, &c.

lxiij. . . Item, this article declareth how a citezen shalle be disfraunchised, yf he appere not in propre persone or by attorney, for his offence, &c.

lxiiij. . Item, that the Ballies make levey, as welle of summes forfet to the comyns, as of summes forfett vnto them. And that the Ballies make fieri facias &c. And per elegit &c.

lxv. . . Item, that alle the articles of this presente yelde be affermed, &c.

lxvj. . . Item, how the Ballies shullen be chosen by the Ballies and aldermen, wt other worshipfulle beynge present.

lxvij. . Item, that the seriaunts empanelle indifferently bitwene party and party, wtout favor, &c.

lxviij. . Item, that no man selle ale out of his house wtout he haue a sygne at his dore.

lxix. . . Item, that no bochor occupie Cokes crafte.

* The words between brackets have been added in a later ink, though the hand is like.

lxx. . . Item, that no citezein be attached by his body as fugityf tylle the Baillie haue warnynge.

l(*sic.*) lxxj. . Item, that ther be auditor^s assigned bitwene citezeins[1] to here accompts, &c.

lxxij. . Item, that no seriaunt be attorney ner color the meanes of attorn.

lxxiij. . Item, that the citezeins of the old cheker & of the newe, ther payment at this yelde be no precedent, &c.

lxxiiij. . Item, how the Bysshoppes tenauntis—beynge citezeins—shalbe demeaned, this article tellith.

lxxv. . Item, that no Baker shalle bake horsbrede, kepynge ostery.

lxxvj. . Item, that no man kepe an hostrye w^tout he haue a signe at his dore, vpon peyne of vj.*s.* viij.*d.*

lxxvij. . Item, this article declareth of accyons of dette, trespas, and detenewe.

lxxviij. Item, how alle maner crafts, artificers, and ther contributories, w^t ther lightes and pagents, shalle be ruled and demeaned.

lxxix. . Item, that no officers take eny fees of vittellers for the kynges borde.

(*b*) The Ordinances.

These ordinances and articles were made Sept. 14, A.D. 1467.

Ordinaunces, Constitucions, and Articles, made by the kynges comaundement and by hole assent of the citesens inhabitantes in the Cyte of Worcester, at their yeld marchaunt, holden the Sonday in the feste of the Exaltacion of the holy crosse, the yere of the reigne of Kynge Edward the fourth after the conquest, the vi^te.

The articles are to be read at every law-day.

I. ffurst it ys agrede and accorded, that alle the articles of thys present yeld be openly redde and declared at euery lawday next aftur the feste of Seynt Michell the Archangelle, yf it be desired. Also it ys ordeyned that the chart^r of the seid cite, w^t the ij. Socage Rolles, shullen be putt in the comyn cofor, and a copy of them to be made in a boke restynge with the Baillies.

Records to be kept in the common coffer.

II. Also it ys ordeyned by this present yeld, that the Baillies for the tyme beynge shulle, after hur power and duete, dayly putt yn execucyon alle ordinaunces and actes made at this present yeld, and at other yeldes precedentȝ, which ben affermed, and at the lawdayes before hadde and yerly to be holden wtyn the seid cyte, wtout grete delay. And yf the seid Baillies do not hur devor in executynge these seid ordenauncez and Actes, when they ben proclamed aftur the custom of the seid cyte, or sone ther-vppon, that then the chamberleyns of the cyte, kepers of the articles of the yeld, yeve the seid Baillies, or on of hem, warnynge for more hastyer remedy and executyon to be hadd of the same, in forme aboueseid, by them and by hur auctoritie and power. And yf the seid Baillȝ do not hur devor according to these premisses, aftur dewe warnynge, that then the seid Baillies for the tyme beynge shulle forfet to the comyn tresor xiij.*s.* iiij.*d.*, as ofte as he or they be founden in defaute by the comyn counselle of the chambor. And yf the chamberleyns for the tyme beynge, or oon of them, yeve no knowleche to the Baillȝ in forme and maner aforn reherced, aftur they ben duly warned or required by ij. credible persones of the seid cite, that then the seid ij. chamberleyns lese and forfett to the comyn tresor xiij.*s.* iiij.*d.*, as ofte as they or oon of hem be fownde in defaute. And yf it so be that eny bailly or chamberleyn, for the tyme beynge present in the seid counselle house, when he or they ys founde in defaut, that he or they paye his peyne so forfett or they departe, in the peyne of a c.*s.* to the comyn tresor.

"Bailiffs to putt the Acts in execucion" [*original side note*, in later hand].

If they do not their duty, after due warning, to be fined.

The chamberlains not duly warning the bailiffs, to be fined.

Fines to be paid at once, on pain of 100*s.*

III. Also that ther be ordeyned a stronge comyn cofur wt vj. keyes, to kepe yn ther tresour, oon keye therof to be delyuered to the high Baillye, and another to oon of the Aldermen, and the iijde to the chamberleyn chosyn by the grete clothynge. And the other iij. keyes to be delyuered, oon to the chamberleyn by the comyns chosen, and ij. other keyes to ij. thrifty comyners, trewe, sufficiant, and feithfulle men. And the vj. men to be chosen vppon the eleccion day, and the chamberleyns to resseyve hur rentes and other profitez of the cyte. And they to be sworen to make a dewe rekenynge bifore the auditors of the citee therof,

There shall be a strong box to keep the treasure in, with six keys.

withyn a moneth aftr Mihelmas, or sone thervppon, or aftur the forme of an Acte folowynge; and that that[1] he ys founde in arreragis to be put in the comyn cofur. And that the Baillieȝ, the ij. Aldermen, and the ij. Chamberleyns, and a lerned man wt hem, makynge feith to kepe hur counseille, shullen go to the seid comyn cofur wtyn half a yere next folowynge aftur this present yeld, ther to make serche of alle maner of dedes vnder the comyn seale, graunted to eny persone or persones, of eny londes, tenements, or parcelle of grounde, in fee symple, fee tayle, terme of life, or terme of yeres; and of alle suche grauntes a titelynge to be hadde in a rolle made therof. And that to be shewed to the counselle of the seid cite, to see yf eny avayle myght growe to the seid cite, by eny suche grauntes aforne tyme made. And the seid kepers of keyes to delyuere the seid keyes and other thynges in ther warde to ther successors, on the lawedaye next folowynge the daye of the seide elecciou, in peyne of euery of them, iij.*s.* iiij.*d.*

[1] (*sic.*)

The deeds kept in the box are to be examined,

and enrolled.

The keys to be given up annually.

IV. Also, that the comyns may have knowlech from yere to yere how the comyn grounde ys occupied; and by whom, and yf that it be not rented the comyns to seise it into hur handes, to that ende that they may be remembred of hur right, and to haue profit and avayle therof. Also, that the circuite of the fraunchesse may be knowe yerly, and that bothe the chamberleyns have a bille therof, that they may knowe veryly what ther rent comyth to.

The Town property and rents to be accounted for yearly.

V. Also, that euery Bailly beynge for the yere, yelde accomptes of the yssues, fines, amerciaments of Grenewax, in the kynges courte forfet by eny citezen dwellynge wtyn the cyte, havynge no frank tenement wtout the cyte, to the comyn chamberleyns, he to accompte therof to the comyns, and then to putt it in the comyn cofur, yf it may be allowed in the kynges Eschcker and yn his courtes or els wher. Savynge alwey duly the costes to the seid Baillies in the Escheker, vppon hur rekenynge made or done aboue[1] the same.

Fines of green wax to be accounted for yearly.

[1] (*sic.*)

VI. Also that euery officer accomptable make his rekenynge afore auditors assigned by the Baillies and comyns, wtyn the

Accounts to be audited,

quarter of the yere aftr that he ys out of his office, vppon the peyne of xx.*s.* or more, aftr the discression of the Bailly and Aldermen of the seid cite. And that euery accomptaunt to the comyn avayle of the seid cite, from hensforth vppon his accomptes aforne the auditors yeven, paye his arreragys at the seid accomptes founden dewe. And that the auditors put in execucion alle founden in arreragis, accordynge to the statute. And also it ys ordeyned that alle that haue ben accompteraunts here beforn, and haue not payde the arrerages dewe of ther accomptes, paye ther arrerages at this seid yelde, or sone thervppon, vppon peyne of euerych of them of disfraunchesynge. Also it ys ordeyned, that at the daye of eleccyon of the Baillies, that ther be electe and chosen by the high eleccion, ij. worshipfulle and discrete persones of the xxiiij., and ij. sadde and discrete persones by the lowe election of the xlviij., to sitte wt the auditor in tyme of audite as Juges, and to here the audite of euery persone that ys accomptable, and that the seid auditor and iiij. persones aforeseid be sworen vppon a Boke to here the seid accomptes; and to allowe euery persone alle that he ought to be allowed, and charge them that ought to be charged.

and arrears to be paid.

Four "judges," to sit with the auditors, to be chosen out of the 24 and the 48.

VII. Also, that alle amerciaments of eny craftes man and vitellers vnder the correccion of the Aldermen, and lawfully founden bifore them, be arered by the Aldermens seriaunt, and payde to the chamberleyns by bille endented, they to yeve accompt to the comyns therof yerly; and that yf eny citezen, craftesman, or vitteller, refuse to pay suche amercyaments vppon them lawfully affured, for suche offences that ben presented aforn the seid Aldermen, that it vppon him lawfully proved, he paye for that offence xl.*d.*, the oon half to the Bailly and the other half to the comyn cofur.

Amercements upon craftsmen and victuallers.

VIII. Also, that the actes of the yelde and of other yelds precedents, shullen be enacted and engrossed in a quayer of parchemyn, in the same syngulerly, be[1] articles to be declared; and the same quayer to be put in a boxe called a Casket, loken, to remayne in the high Bailly Warde; of which Casket the keye shalle remayne wt oon of the chamberleyns, to be redy yf eny

Acts of the gild to be engrossed and put in a box; of which one of the chamberlains is to have the key.

[1] [by]

lawfulle desire be hadd or made for the seid boke of articles to be redde or seyn. And of alle the seid articles in the seid boke comprised, a Rolle endented of the same to be engrossed, of the tenor of the seid articles, the oon partie of the seid Rolle endented to be delyuered to the vnder Baylly for the tyme beynge, for levy of summes forfet and to hym longynge by the same, and the other parte of the seid Rolle endented to be delyuered to the ij. chamberleyns of the cite beynge for the tyme. And also to be called conservitors or kepers of the articles of this seid yelde, to that entent that they make levey of summes forfett by the same, to the vse and profit of the seyd comynalte, dewly to be declared vppon ther accomptes amonge ther other receytes, and so to be delyuered to the comyn cofur. And yf ther be eny restreynt, denyinge, obstinacys, or contradiccion made by eny persone or persones, that owith to paye such summe forfet, that then vppon resonable warnynge made to them, they to appere aforn the xxiiij. and xlviij. comyners of the seid cite, chosen for good rewle of the same, that for these causes and other shullen com and assemble togeder in euery quarter of the yere, ones or oftener and it nede, in the counselle house of the seid cyte. And the vnder Bailly and the forseid chamberleyns, kepers of the articles, to declare of alle such persones that han in eny wise offended the ordinaunces of this yelde. And then the parties accused to alegge hur causes, why thay wollen not paye suche summes, forfet by them to the seid chamberleyns and conseruitors of the seid articles; and for that they shullen be founden gilty, to obeye, obserue, and do as such trespasors, or eny of them shullen be ordeyned, by the advise and assent of the seid xxiiij. and xlviij. aboue named, and aftur the more partie of them accorded for such correccion to be made; and he or they that this ordinaunce refuseth, to be disfraunchised for euer, and in no wyse afterward to be amytted. And yf eny persone or persones of the xxiiij. or xlviij. that in that case that he or they han forfetted ayenst the articles of the seid yelde, for which hym owyth to be amerced or punysshed, that then he be put a parte, as for the tyme of comenynge, by

Two copies to be made of the articles, one for the low bailiff, the other for the chamberlains; who shall be called "Conservators of the Articles of the Gild."

Proceedings as to sums forfeit under the articles.

One of the 24 or 48 offending against the articles, to be set aside, and his fellows shall consider what to do with him.

the remenaunt of his seid fellyship, what shalle be done or assessed for his or their correccyon that shalle be founden defectyf, and aftur that asythed and contented, to be reconsiled to the seid fellyshippe as they were aforen, apon his condicions and good aberynge.

IX. Also, that Bakers make no fyne with the Bailly for ther offencȝ of bakynge, but that they haue the punysshement of every defaute accordynge to the Statute, and to the lawe. And that they bye no corne vn the market day, in somer tylle xj. of the Belle, and in Wynter tyme tylle xij. of the belle. And þt the seid Bakers bye no corne ne mele in hur houses aforn the seid owres vppon the market day. And that they regrate no corne commynge to the market, in peyne of lesynge xx.*s.* for euery of the seid offences, to be payde, the half therof to the Bayllies for the tyme beynge, and the other half to the comyn cofre. And that the Baillies and the chamberleyns for the tyme beynge shullen yeve warnynge to the wardeyns of the Bakers crafte, euery Saturday, the assie and wyght for the weke folowynge that they shullen bake after; yt to be kept amonge them, vppon peyne of euery Baker, as ofte as he ys founde in defaut, of xl.*d.*, to be payde to the Baillies office for the tyme beynge, or els to correcte them according to the statute. And that the said wardeyns shullen wekely come to the seid Baillies for knowleche of the seid weght and assie, and geve warnynge to euery Maister wekely of the same, vppon peyne of euery of them xl.*d.*, to be payde, half to the seid Baillies and half to the comynalte.

Regulation of bakers.

No regrating allowed.

The assize of bread to be given out weekly.

X. Also, that no Baker resseyve no corne in to his house vnder colorˢ as his owne vppon the market day, tyll it haue be in the market vnto the tyme that the howre assigned for euery comyner to bye ther be past, vppon the peyne to paye vj.*s.* viij.*d.*, the oon half to be payde to the Baillies for the tyme beynge, and the other half to the comyn cofer, ther to abyde for the supportacyon of the comyn charge of the cite.

Bakers not to take unfair advantage of the common folk in buying corn.

XI. Also, that the comyns may be serued alwey of ale, as it ys allowed and assessed at the lawe dayes, and as malte ys solde in the market, and not sylle it at other price, in peyne of lesynge

Ale to be sold according to the assize set at the law-days.

Three gallons of small ale to be sold for 1*d*.

of vj.*s*. viij.*d*., half to the Baillies and half to the comyns. And that the Brewers brewe and sylle iij. galons of smale ale for j.*d*., and to make it fyne accordynge to the price of good ale, vppon the seid peyne of vj.*s*. viij.*d*., the on half to be payd to the Baillies for the tyme beynge, and the other half to the comyn cofre. And

Two grave and wise ale-conners to be chosen.

that ther be ordeyned vppon the eleccion day, ij. ale conners of sadd and discrete persones, to se that the ale be good and sete, or els the Bailly to sille it aft^{r} the ale, or els to be corrected and punysshed by the Baillies and aldermen ther for the tyme beynge,

The price of ale to be assessed at every law-day.

aftur hur discression. And that the price of ale be sessed at euery lawday by the gret enquest, or by the moste party of them. Prouided alwey þ^{t} the most partye of the grest enquest, to the half partye or more, be not of Brewers, but other citesens of the seid cyte, by the discressyon of the Bayllies.

The public ale measure to be kept for use.

XII. Also that comyns have vppe ayen, as hit hath ben, the Cowle to mete ale w^{t}, at the costes of the Baillies for the tyme beynge.

Outsiders not to buy barley or malt till 11 o'clock in summer, and 12 in winter.

XIII. Also that no foreyn Burges, ne none other, Straunger ne fforeyn, by no Barly ne malte, ne none other greyne in the markett, tylle the comyn Brewers and malte makers, resident and resiaunt, ben serued; yf the seid Brewers and maltmakers in the somer seasón, wollen bye eny barly or malte, by xj. of the belle, and yn wynter by xij. of the belle; on peyne of a noble lesynge, the oon half to be payde to the Bayllies, and the other half to the comyn tresor.

A woman merchant to be answerable, independently of her husband.

XIV. Also yf eny mans wyf becom detto^{r} or plegge, or by or sylle eny chaffare or vitelle, or hyre eny house by hur lyf, she to answere to hym or hur that hath cause to sue, as a woman soole marchaunt; and that an accion of dette be mayntend ayenst hur, to be conceyved aft^{r} the custom of the seid cite, w^{t}out nemyng hur housbond in the seid accyon.

Water to be brought in buckets on horseback, to any fire in the city.

XV. Also that the Bitters be redy w^{t} hur horses and bittes to bryngе water vnto euery citezen, when he ys required by eny man or child when eny parelle of fuyre ys w^{t}yn the cite, in peyne of lesynge of xl.*d*., to the Baillies half, and the other half to the comyn tresour.

XVI. Also that better gouernaunce and rule be hadd, and better ouersight, vppon keywood, crates, and colez, and bagges to mete hem wt; and to forfett them that ben forfetable by the lawe. Wood, coals, and their measurement, to be better looked after.

XVII. Also that the wolle wyght be but of the wyght of ij.lb. and an half, and that it be made after the wyght ensealed accordynge to the kynges standard, and that all other wightes wtyn the cite of the seid wyghtes be ensealed accordynge to the kynges standart, in peyne of lesynge vj.*s.* viij.*d.*, to be payde to the Bailly, who so yn fawte ys founde. And that, where it ys vsed and accustumed grete cloth-makynge to be hadd wtyn the seid cite and subbarbes of the same, and so occupied by grete parte of the people ther dwellynge, that is to sey by spynners, websters, dyers, shermen, and other laborers or artificers apperteynynge to the same, as now late rite and practyk hath be vsed; that to these seid artificers, by maisters and makers of cloth they shuld none other wyse be contented or payde but in mercery, vitelle, or by other meanes, and not in syluer, that hath growen to grete hurte by alle the seid artificers, laborers, and of the poure comynalte:—It is ordeyned fro hensforth, by this present yelde, that none artificers, laborer, or eny other persone of the seid cite, ayenst his assent, wylle, or agreament, be not compelled or charged to resseyve nothynge in chaffare, but in gold or syluer, of eny makers, chapmen, or syllers of cloth. And he or they that presumen to doo the contrarie, as often tyme as they be founden in defaute, to paye xx.*s.*, the oon half to the Bailly of the cite for the tyme beynge, and the other half to the comyns of the seid cyte, to be put in hur comyn cofre, ther to be kept to the profite of the seid comynalte. And that no maner citezen, tensur, nor inhabitaunt wtyn the seid cite, by cause of this acte of comyn custom, put out eny wolle in hurting of the seid cite, or in hynderynge of the pour comynalte of the same, wher they be persones ynogh and people to the same, to dye, carde, or spynne, weve, or cloth-walke, withyn the seid cyte, to euery maner person or persons forein, but it be to men or women dwellynge wtyn the seid cite or subbarbes of the same, The city weights for wool to be sealed.

Whereas the payment in kind of labourers in cloth-making, is greatly to their hurt;

it is not to be so made against their will,

on pain of 20*s.*

Work-people outside the town not to be employed to the hurt of the poor commonalty in the town.

of such disposicion as ys biforn reherced, vppon peyne of forfetor of xl.*s.* as oftentyme as they be founden in defaut therof, to be payde, half to the Baillies, and half to the comyn aboueseid.

Custom is to be paid on wool coming into the city;

XVIII. Also, it ys ordeyned by this present yelde, that euery citezen of the seid cite or subbarbes of the same, vsynge to bye wolle comynge to the seid cite for makynge of cloth, that he bye his wolle, and custom for the same to be payde as reason requireth. And the seid wolle to be wayed in the yelde halle of the seid cite by the byer and the syller, and custom for euery

for every tod, 1*d.*

todd, j.*d.* And yf eny man do the contrarye, that he shalle paye vj.*s.* viij.*d.* Whereof the oon half to be payde to the Baillies

At what hours wool may be sold.

and the other half to the comyn tresor. And that no wolle be solde in the yelde halle, on the market day, tyll x. of the belle, and that then it be lawfulle for euery citezen for to bye, and that no straunger ther by no wolle tylle xj. of the belle, in peyne of alle and euery of them doynge the contrary, vj.*s.* viij.*d.*; the oon half therof to the Baillies and the other half to the comyn

Strangers can sell leather only in the gild-hall.

tresor. Also that no maner foreyn sille no lether in the seid cite, but it be in the yelde halle of the same, payinge for the custom of euery dyker, j.*d.* And who so doth the contrarie, to

Shoe-makers may buy leather only in the gild-hall.

paye xl.*d.* in forme aboueseid. Also that no corvyser by eny lether comynge to the seid cite, but in the yelde halle, vppon peyne of xl.*d.*, in forme aboueseid to be payde. Also that euery

Tolls for stalls in the gild-hall.

straunger paye euery market day, for stondynge in the yelde-halle, j.*d.* And in the feyre tyme, ij.*d.* And that euery citezen for euery Saturday, for stondynge in the seid halle, paye *ob.*, and euery feyre tyme j.*d.*

Horses and mares not to stand in the market-place on market-days.

XIX. Also, that no horses ne mares be stondynge in the comyn market place on the market dayes, in peyne of lesynge of euery horse and mare, j.*d.*; the oon half to be payde to the Baillies for the tyme beynge, and the other half to the comyn tresor.

Every man must keep his path clean and his pavement in repair.

XX. Also, that euery man kepe his soyle clene ayenst his tenement, and his pavyment hole, in peyne of xl.*d.*; half to be payde to the Bayllies, and the other half to the comyn tresor.

Punishment of vicious persons.

XXI. Also, yf eny Bawdes, Resseitors of seruants and of mens

childʳen, scolders, and chiders, be wtyn the cite, and it duly presented and founde vppon the lawday, they to be punysshed by the Baillies of the cite aftr hur discressyon.

XXII. Also it myght be ordeined a substancialle rule, that vi. pagentes amonge the craftes, to be holden yerly, shuld not be to seche when the[y] shuld go to do worshippe to god and to the cite, and to better and more certenly kept then they haue be bifore this tyme, vppon peyn of euery crafte founde in defaute of xl.*s.*; the oon half to be payd to the Baillies and the other half to the comyn tresor. And that the stewards of euery crafte that ben contributory, shullen be called to the accompte to knowe the charge, so that the Stuards of euery crafte may haue levey as for ther parte, in peyne of hym that ys founde in defaute, iij.*s.* iiij.*d.*; half to the Bailly, and half to the comyn tresor. Also that yerly, at the lawday holdyn at hokday, that the grete enquest shalle provide and ordeyn whether the pageant shuld go that yere or no. And so yerly for more surete.

The five crafts' pageants to be more strictly kept:

the contribution due from each craft to be settled and levied;

and the Hock-tide lawday yearly to fix whether the pageant shall go or not.

XXIII. Also, that good disposicion, rule, and ordinaunce [*be*] hadd and contynued wtyn the seid cite, and none evylle occasyon yeven on the partie of the seid cite. And that pease and Reste may be hadd and contynued bitwene Gentellȝ of the Shyre and the Cite, at alle dayes. And that no lyvereis be yevyn ne resceyved by no man wtyn the cite, contrarye to lawe and ayenst the lawe.

Good order shall be kept in the City, and between the gentlemen of the Shire and of the City.

XXIV. Also, that no intrailleȝ of eny manner bestes, nor no puttes of bloode, be clansed or caryed awey on the day, but ouer nightȝ in due tyme, and before vsyd. And that no blode putte be vnclensyd ouer a day and a night, be it wynter or somer, on peyne of xij.*d.*, to be payde, who so may be founde in defaut, by the serche of the Bayllies or by Inquisicion of xij. men ther in defaut so founde, the oon half to the Baillies, and the other half to the comyn tresor, as often and as many tymes as they be founde in defaut.

The cleansing of blood-pits.

XXV. Also, that ther be v. fuyre hokes, to drawe at euery thynge wher paryle of fuyre ys in eny parte of the cite; and they to be sette in iij. parties of the cite. And grete helpe and

Five fire-hooks to be kept to help in case of fire.

nede be that god defende. And the same hokes to be madꝑ by the chamberleyns.

No wooden chymneys, nor thatched houses, are to be allowed in the city.

XXVI. Also, that no chymyneys of Tymber be suffred, ne thacched houses wtyn the Cyte, but that the owners do hem awey, and make them chymyneys of Stone or Bryke, by mydsomer day next commynge, and tyle the thacched houses by the seid day, in peyn of lesynge of a noble. And aftr that day, euery half yere a noble tylle it be done, to be payde to the comyn tresor.

There shall be but 24 of the upper chamber of the common council; if any of them die, the remainder shall choose another the next lawday.

XXVII. Also that ther be no mo of the grete Acloth but xxiiij. And that they have lyuere of a sute every iijde yere. And which of hem refuse so to do that he shal pay, as ofte as he refuseth, vj.*s.* viij.*d.*; half to the Baillies and half to the comyn tresor. And yf eny of the seid grete Acloth dissease, that then it be lefulle to the oꝑr lyvynge, to chese other in hur stede, sufficiant and lawfulle, to the grete Acloth, by the next lawday folowynge. And he so chosen not to refuse, vppon peyne of forfetture of xiij.*s.* iiij.*d.*, the oon half to be payd to the Baillies for the tyme beynge, and the other half to the comyn cofre. And yf eny of the xlviij. lakke or dissease, that ther be then another chosen, of the moste sadde and sufficiant of the comyns wtyn the cite, bifore the next lawday aftr the seid dissease. And yf eny so chosen refuse, that then he forfett iij.*s.* iiij.*d.*, in forme aboueseid.

On refusal to serve to forfeit 13*s.* 4*d.*

If any of the 48 commoners die, another shall be chosen.

On refusal to serve, to pay 3*s.* 4*d.*

No grant is to be made from the common property by the 24, without the advice of the 48 commoners.

XXVIII. Also that the worthy men of the seid cloth graunt no yefte of the comyns good, but of hur owne, wtout the advise of the xlviij. comyners or the more parte of them ther beynge present; and ꝑt yf the case and matere happen so, [*that*] ther be no comyn goodes in hande, and the necessite of the cite requirith so grete hast that good most nedely be hadd, in eschewynge of more inconuenients or grete harmes that shuld folowe for suche defaut of good, That then vj. of the xxiiij. and vj. of the xlviij., by the Baillies of the seid cite for sadd and discrete persones of the same to be nemed and lymitted, shulle have power, by ther discressions, to assesse in resonable summes alle maner of persones wtyn the cyte or subbarbes of the same, that oweth and

If money is wanted, a Committee of twelve of the 24 and 48 shall make an assessment.

benable to paye suche a levy or gederynge as the matere and charge shall require. And they also assessed or leyd, hold them agreed and content of the demanynge of the seid seid[1] xij. persones so assigned; and what persone that refuseth to paye, at that tyme as he ys assessed or leyd, shal paye to the comyn cofre xl.*d.* And it happen to be ordeyned and assented by the assente of the cite, that euery man that payeth to such a yefte or lone aboue specificied, shalle have repayment of suche a summe as he hath payde, that then he be trewly contented by the Bailly w[t]out any abregeament of his summe in eny wise, as sone as it may be levyed.

[1] (*sic.*)

All those assessed shall be bound by the decision of the committee.

Every loan to be repaid as soon as the assessment is levied.

XXIX. Also, yf ther be eny wyndowes, dorres, or holes of newe, made in to the yeld halle, wherthorough eny persone may se, here, or have knowlech what ys done in the seid halle, that it be so stopped by the doers or vsers therof, vppon peyne of xiii.*s.* iiij.*d.*; to be payde to the Baillies, the oon half, and the other half to the comyn treso[r].

The gild-hall is to be kept private.

XXX. Also, that no maner persone pleye at the pame or at tenys, w[t]yn the yeld halle of the seid cite, vppon peyne of euery persone founde in defaute, xl.*d.*; the oon half to be payde to the Baillies of the cite for the tyme beynge, and the other half to the comyns of the seid cite, as ofte as he ys founde in defaute.

The games of palm and of tennis must not be played in the gild-hall.

XXXI. Also it ys ordeyned by this present yelde, that yf eny of the xxiiij. persones of the grete Acloth discouere any maner thynge that ys seid at ther comyn counselle in wey of counselle in the counselle chambre of the seid cite, that he shalle lese as ofte tymes as he ys founden in defaute, xiij.*s.* iiij.*d.*; wherof the Bayllies for the tyme beynge shalle haue the oon half, and the comynalte the other half. Also yf eny of the xlviij. persones chosen and named for the comyn counsell of the seid cite, discouere eny maner thing that ys seid at hur comyn counselle in the seid comyn counselle chambre in wey of counselle, that he shalle lese as often tymes as he ys founden in defaut, vj.*s.* viij.*d.*; wherof the Bailly for the tyme beynge shalle haue the oon half and the comynalte the other half.

What passes at the Common Council meetings is not to be made public.

XXXII. Also, that euery citezen dwellynge w[t]yn the seid cite

All citizens must aid in keeping the peace.

that may serue the kynge in kepynge the pease, be redy at euery grete debate, affray, discencion, and stryfe made w^tyn the cite, to go helpe and strenght the Baillyz for the tyme beynge, to se that the pease be kept w^tyn the cite; and what citizen w^tyn the cite sworn refuseth, or helpeth eny partie, or yeve favo^r but only to the seid Baillies of the seid cite, in helpynge of them, that it be enquered by xii. men. And yf it be founden, by eny citezen dwellynge w^tyn the cite, he to lese xx.*s.*; half to the Baillies and the other half to the comyn treso^r; and other straungers to make a fyne. And that euery citezen or other w^tyn the cite haue defensable wepyn w^tyn hym self, for kepynge of the pease.

No livery to be worn, except the king's.

XXXIII. Also, by the kynge it ys ordeyned and commaunded to be straytly obserued and kept, commaundements made by his highnes and his discrete counselle, that no man w^tyn the cite or w^tout, were no lyvereys or signes of no mans yefte, of what condicion or astate that he be, but only of the kynges; and

The king's peace is not to be disturbed.

that no man go armed, to bere launcegayes, Gleyves, Speres, and other wepyn, in distorbynge of the kynges pease and people. And that no Robbers, assembles, gederynges, or compeneys, be made in disturbaunce of the seid pease; ne no man to com w^t forse of armes aforn the kynges Justices, Baillies, or eny other ministeres in doynge ther office; vppon peyn of lesynge of hur armo^r and wepyn, and inprisonment of hur bodyes at the kyngez wylle, aft^r the teno^r of the Statute made for suche cases.

Officers and ministers are to be obeyed.

And that alle maner of persones, of what astate, condicyon, or degre that euer he be, obeye the kynges officers and ministeres in doynge hur office, and occupacion, as welle for the kynge, as for eny other persone in alle thynge lawfulle, vsages and custummz vsed and approved. And what persone doth the contrarye, to have inprisonement and other punysshement lawfulle,

None may give liveries, except according to statute;

as the case shalle require. And that no persone of what astate, condicion, or degre he be, in eny wyse geve or take eny clothynge or lyuereys, for mayntenaunces or otherwise, but only accordynge to the Statutes in such case made and ordeyned. Ner that eny craftiesman, artificer, or other, dwellynge or

holdynge houshold, in Cites, Boroughez, market townes, or other places, vsynge his crafte in eny wise, be of clothynge wt eny other persone, or take vppon hym to be named man or seruant for supportacyon or maynetenaunce with eny persone, of what astate, degre, or condicion he be, vppon peyne of grevous and streyte inprisonement of hys body, and to make fyne and rannson at the kynges wille. Also that no man, of what astate, degre, or condicion he be, resceyve, cheryshe, holde yn houshold, or maynteyne pillors, Robbers, dispoylers, oppressors of people, mansleers, ffelons, Outlawes, Ravysshers of wymen, vnlawfull hunters of fforestes, Parkes, or Warcyns, opyn mysdoers, or eny openly named or famed for such offences, tylle the trouthe be welle knowen and tryed. And what citezen dwellynge wtyn the seid cite or subbarbes of the same, þt offendyth in these articles or in eny of them above specified, that ben by the kynge and his discrete counselle ordeyned and proclamed, and lawfulle prove made vppon hym that he hath so offended, that then he forfet to the kynge aftr the seid proclamacyon and ordinaunce, and to the citezens of the seid cite, xl.*s.*; that ys to seye, the oon half to be arered and payde to the Baillies for the tyme beynge of the seid cite, and the other half to the comyn avayle.

and no craftsman may wear other livery than his own.

Misdoers must not be harboured.

He who offends aginst those articles will forfeit 40*s*.

XXXIV. Also it ys ordeyned by this present yelde, that yf eny maner citezen foreyn, or eny other persone, make eny afray wtyn the cite, vppon eny persone drawynge his dagger, his sworde, his knyfe, or els wt eny other maner wepyn, that he lese to the Baillies of the cite being for the tyme, (yf suche a persone may be founde defectyf by xij. men lawfully sworen) at euery tyme of eny such trespas, xl.*d.*, and his seid wepen, of what condicion it be, to be forfet to the profite and vse of the seid comynalte. And yf eny person by his mysrule wt eny maner of wepen ayenst the kynges pease drawe eny blode of eny persone wtyn the seid cite and subbarbes of the same, that then he forfett his wepen to the vse of the comyns afornseid, as it ys aboue reherced, and to the Baillies of the seid cite for the tyme beynge, of such a blode shedd lawfully by xij. men founden, vj.*s.* viij.*d.*; and yf he be not of power to paye the summes by

Those making affray in the City, found guilty by a jury, shall be punished.

Penalty for bloodshed.

hym forfet, then he to haue inprisonement for his correccion, after the discression of the seid Baillies. Provided alwey that it shalle be lefulle to eny inhabitaunt to correct his seruant or apprentice accordynge to the lawe.

But servants and apprentices may be corrected.

Fees for the freedom of the City.

XXXV. Also that ther be no Burges made free, fro this day forward, w^t^out that he pay to the comyn cofre of the cite, xiij.*s.* iiij.*d.*, except that he be a Burgeys Son dwellynge w^t^yn the cite, or els that he have be apprentice vij. yere in the cite; and to the Baillies hur fees xl.*d.*, of old tyme accustumed, and the ij. Aldermen of the seid cite, and other officers, ix.*d.* And that no prentice haue his fredom of Burgesshippe, but he serue out fulle vij. yere of prentishode. And that euery citezen desirynge or havynge prentice w^t^yn the seid cite, by terme of vij. yeres, that ther be endenturs made bitwen hem for the seid terme, as the lawe requirith, and aft^r^ the seid endentures ben enscaled, that they brynge them aforn the Baillyz of the cite for the tyme beynge; the seid endenturs shortly to be enrolled, and therfore to paye v.*d.*, that ys to sey to the vse of the seid comynalte, iiij.*d.*, and to the Townclerk for the enrollynge, j.*d.*; vnder peyn of the maister of the apprentice, vj.*s.* viij.*d.*, and also the seid endenturs of euery suche apprentice to stonde voyde and of none effect.

Apprentices' indentures,

and the fees for these.

The freedom to be given openly.

XXXVI. Also that no Burges be made in secrete wise, but openly, bifore sufficiaunt recorde.

All citizens must be resident;

XXXVII. Also that ther be no cytesen made w^t^yn the cite but that he be resiaunt in the seid cite. If he go out of the same cite, and other whiles resorteth ayeyn and taketh his ffredom of the Burgesshippe in the cite, that then he pay taske, tallage, knyghtenspence, wacches, and other charges w^t^yn the warde that he comyth furst in to the seid cite by. And that yf eny citezen dwellynge w^t^yn the ffraunchesse of þ^e^ seid cite, or eny citezen fforeyn dwellynge w^t^out, or in eny cymitory or londe spirituelle, that refuseth or denyeth to pay, aftur lawfulle warnynge made to them or eny of them, alle such payments as ben leid or assessed vppon them for taske, tallage, or eny other charge abouseid; that then, by the enacte of this present yelde, he or they that so

and must pay the taxes and other charges, or they will lose the privileges of the city.

refusen be disfraunchised and not suffred to by and sille wtyn the seid cite, but as a straunger paynge his custom therfore.

XXXVIII. Also the comyns desiren and also it ys ordeyned, that np citezen be putt in comyn prisone, but in oon of the chambors of the halle benethforth, wtout he be commytted to prison for felony or mans deth, or an heynos trespas, or els the summe of dett of x.*li.*; alwey forseyn that the Baillies make seurte sufficiaunt for the summe of his inprisonement, and thervppon put hym in baylle.

Citizens are not to be imprisoned for small offences in the common prison, but in a room under the gild-hall.

XXXIX. Also that no seriaunt take of eny citezen for servynge of a capias eny thynge but in maner folowynge; and that a seriaunt take of a fforeyn for servynge of a capias, yf the dett be vnder vj*s.* viij.*d.*, but ij.*d.*; and yf the summe excede vj.*s.* viij.*d.*, to take for a capias but iiij.*d.* And that no seriaunt [*take*] of eny citezen for servynge of a venire facias, habeas corpore, and distringas, for alle but vj.*d.* And of a foreyn for the same but viij.*d.* Also that no seriaunt take of eny citezen attached, for his fees at his delyueraunce, but iiij.*d.* Also that no seriaunt for the tyme beynge take eny fees of eny persone inhabitaunt wtyn the liberte of the cite, accused or endited aforn the Baillies for the tyme beynge. Also that no seriaunt take fore attachement of eny goodes, at the sute of eny persone straunger, but ij.*d.*; and for ther fees, when the goodes be preised, but iiij.*d.* And for a citezein nothynge for attachement. And a seriaunt take of no man fees, beynge present in courte, for surete of the pease asked of hym beynge in courte, ner for none other accyon beynge in prison, but only for the furst attachement or arestynge for the which he ys arested. Also yf that eny citezen or denysen take, ayenst eny person, accion of dette, detunow, or trespas, that no seriaunt take for the seruynge of a capias, yf the dette excede xx.*s.* or the damage in accyon of trespas or detunue xl.*s.*, but ij.*d.* Also yf eny citezen or denezen, or eny other, take eny accyon personelle ayenst eny other, havynge out processe of the same, that then, yf the seid pleintif require eny seriaunt to serue the seid processe accordynge to the lawe, that the seid seriaunt shal do his devor to the executyng therof, in peyne of lesynge vj.*s.* viij.*d.* to the comyn tresour, as ofte as he or they is or ben

Fees to be taken by the serjeants.

founden in defaut, in this or in eny cause aboueseid, prōved beforn the Baillies and the counselle in the counselle chambre.

The time and the manner of taking their fees by serjeants.

Also that no seriaunts ne seriaunt go for hur offerynge vn Cristemas day, ne gedre no fees of eny denyzen nor foreyn at other sesons, but as he or they wolle agree by their fre wylle. And that no seriaunt nor seriaunts compelle, constreyn, or charge, no person ner persones to yelde, or to yeve to ther offrynge by threte, or by crafte of enpanellynge, or otherwise, eny thynge, in peyne of lesynge vj.*s.* viij.*d.* to the comyn tresour, as ofte as he or they ben or ys founden in defaute in forme aboueseid. And that they, ne nen of them, take eny fees or eny other matere or cause as ofte as it happenith of eny person, but as it hath ben vsed and accustumed, vnder the same peyn.

None may rebuke or reprove the officers of the city in the execution of their duty.

XL. Also yf eny citezen or inhabitaunt wtyn the seid cite rebuke the Baillies for the tyme beynge, or geve them eny wordes of eny occasion, or reproofe, in executynge his office lawfully, that he shalle pay as oftentyme as he is founden in defaut by the comyn counselle, xx.*s.*; half to be payde to the Baillies and half to the comyn cofur. And that the Baillies for the tyme beynge have auctorite and power to inprisone them vnto the tyme that the xx.*s.* be payde. And yf eny citezen or inhabitaunt aboueseid rebuke, or yeve eny wordes of accacyon, to the Aldermen, Chamberleyns, Recorder, or Towneclerk of the seid cite executynge ther offices proued in forme aboueseid, that they shal pay vj.*s.* viij.*d.* in forme aboueseid.

All citizens foreign to dwell within the city.

XLI. Also that ther be made, fro this tyme forth, no foreyn Burgeis, but he be sworen to dwelle wtyn the cite. And who so doth þe contrarye, that he be disfraunchised of his libertees. And that no citezen foreyn bye ne sille other colour of eny other person not citezen, in defraudynge of the kynges custom, no maner of merchaundise, vnder peyne of disfraunchesynge; and that euery citezen forein hire no house ne chambor accustumed to be hyred wtyn the yelde halle, but wekely, by the graunt of the keper of the halle and ouersight of the kepers of the articles of the yelde, as they mowe accorde, in peyne aboueseid. That be he citezen or straunger that hyreth eny chambor

The hire of the rooms in the gild-hall.

in that seide halle house, put no foreyn good but his owne in the same, vppon peyne aforseid. Provided alle wyse, that yf the citezens dwelling wtyn the churche yordes, or ffraunchesies aioynynge to this, the citee, be priuyleged as citezen denesyn. Prouided also, that yf eny citezen denesyn or foreyn departe out of the seid cite, and resorte ayein wtyn a yere, that then he haue benefice of alle libertees, and priuylages of the seid citee.

Freedom not forfeited by absence of less than a year.

XLII. Also that euery citezen and Burgeys wtoutforth shal pay at euery taske, vigille, lones, yefts, and alle other charges, as the citezens done that dwellyn wtynforth, on peyne of lesyng of hur libertees and ffraunchеys, except certeyn persones that for ther grete worshipe and offices of attendaunce be exemted. Whos names apperen;—Thomas lytulton, Ser Walter Skulle, knyght, Thomas Throkmorton, Thomas Everdon, Norman Wassheborn, and Willyam Lygon.

Citizens foreign to pay the same taxes, &c. as citizens denisen.

XLIII. Also, that no citezen resident wtyn the cite and demenaunt, havynge eny proteccyon, or beynge outlawed or acursed, bere none office wtyn this cite, on peyne of forfettynge of his ffraunchesse.

No citizen outlawed or accursed shall bear office.

XLIV. Also, that euery eleccion of citezens for to come to the Parliament, that they be chosen openly in the yelde halle, of suche as ben dwellynge wtyn the ffraunches, and by the moste voice, accordynge to the lawe and to the statutes in suche case ordeynd, and not priuyly. And he or thay that retorneth hem in other wyse, lese to the comyn tresor, c.*s.* And that fro hensforth, the citezens that shalbe chosen for the parliament, be of good name and fame, not outlawed, not acombred in accyons, as nygh as men may knowe, for worshipp of the seid cite. And that he be of frehold yerly, at the leste, xl.*s.* And that the seid persones so chosen for the parliament, that they ben att it to the ende of the parliament, and that they be serued of hur wages accustumed, after hur commynge home, withyn a quarter of a yere next folowynge. And he that refuseth to pay, after he ys assessed to the seid expensis, to lese to the comyn tresor xx.d. And the constable that doth not his devor for the levey of the same, to lese to the seid comyn tresour, vj.*s.* viij.*d.*

Members of Parliament for the city shall be chosen openly in the gild-hall;

they must have certain qualifications; and must stay to the end of Parliament.

They shall have their wages within three months.

No suit to be made in a foreign court for a thing done within the city.

XLV. Also that no citezen make no sute ayenst no citezens in eny court w^t^out forth, ynto the tyme that he take his accyon w^t^ynforth, for thynge matere or cause done w^t^yn the seid cite or ffraunches of the same, yn peyne of lesynge of his ffraunches. And that the party that sueth or propose to sue in foreyn court, for more hastyer remedye for suche matere or cause, do warne the Baillies, and do the party defendant warnynge, for the most peasable wey to be taken bitwene the seid parties, yf it may be; and this to be done in payne afornseid. And yf eny citezen fforen wolle, or proposeth to, sue eny citezen denesyn for eny matere or cause done w^t^outforth, that he warne the Baillies for the tyme beynge, or on of hem, in peyne of lesynge of his ffraunches; ples of lond only except.

Peace to be made between the parties if possible.

XLVI. Also, that no citezen or inhabitaunt w^t^yn the cite be attached by his body for eny accusement or trespas, yf he wolle comyn and appere at the day of the venire facias retornable. And yf he make defaut at that day, then to make out a capias ayenst hym, and then no seriaunt take no fees of them, vnde^r^ peyne of hym that doth the contrarye, xiij.*s.* iiij.*d.*; half to the Baillies and half to the comyn treso^r^.

Tensures to be reasonably fined; and to be made citizens on residence of a year and a day.

XLVII. Also, that euery Tensure be sett a resonable fyne, aft^r^ the discression of the Aldermen, and that euery tensure that hath ben w^t^yn the cyte a yere or more dwellynge, and hath sufficiaunt to the valo^r^ of xl.*s.* or more, be warned to be made citezen, by resonable tyme to hym lymitted, and yf he refuse that, that he shalle yerly pay to the comyn cofre xl.*d.*, ouer that summe that shalle yerly pay to the Baillies or eny other officers; and so yerly to contynue tylle he be made citezen.

For the avoiding of a wrongful amercement for offences,

XLVIII. Also, it ys ordeyned at this present yelde, that yf eny citezen, tensure, or eny other persone, of what condicion that he be, dwellynge w^t^yn the cite or subarbes of the same, [*be*] amercied, or accused of trespas, or for eny cause semblable, aforn the Baillies, for the which the seid Baillies wold take by hur owne wylle eny grevous fyne or amerceament of them, contrary to the lawe or conscience; and wher the party dredith, or ys not of power, to travers the seid presentements or accusement for his

acquitalle; That then for euery such partie so accused or amercied, by right-wysnes of the courte to avoyde alle suche extorcion and oppression, ij. affurers of good name and fame and also of sad discression in the seid open court, indifferently, shullen be assigned by ij. Aldermen, or oon of them, and there sworen to assesse and affure alle such amerciaments vppon alle suche trespasors, as lawe and conscience requireth, wtout eny favor or feyned pyte owed to eny party, but as the matere of trouth requiri thto be demeaned, and the seid parties so founden in defaut to abyde and obeye it. And who so refuseth and doth the contrarye of this article, to pay to the comyn tresor, vj.s. viij.d. as often as he ys founden in defaut, of what condicion or degre he be.

two afferors shall be indifferently chosen, to tax the amercements as truth requires the matter to be dealt with.

XLIX. Also it ys ordeyned by this present yelde, that alle maner laborers that wolle by hyred wtyn the cyte, that they stonde dayly at the Grascroys on the werkedays wtyn the seid cite, ther redy to alle persones suche as wolle hyre hem to their certeyn labor, for resonable summes; in þe somr seson at v. of the Belle in the mornynge, and in wynter seson at vj. And that proclamacion be made at iiij. places assigned, ij. tymes a quarter, by the Bedmon of the citee.

Labourers to stand for hire at the Grass-Cross, at 5 A.M. in the summer, and 6 in the winter.

L. Also, that the seriaunts be made by the Baillies anone the same day of eleccyon, or they gon out of the chambre of eleccyon. The seid seriaunts to fynde sufficiaunt surete, as touchynge the seid office, to the same Baillies so y-chosen for the yere: and that the seid seriauntz be citezens of good name and fame, and have be citezens vij. ȝere aforn his makynge of the seriauntshippe. And yf the Baillies be absent the same day of eleccyon, that then it be lawfulle to the xxiiij. of the grete Acloth, that tyme beinge present, to chese ij. sufficient men to be seriaunts, as for the high Bailly fyndinge hym suerte as ys aboueseid. And the xxiiij. Comyners that cheseth the lawe Bailly, at that tyme beynge present, to chese the ij. seriaunts for the lowe Bailly, fynding hym suerte, ut supra. And by the kynges commaundement late sende, that, all instaunces, requestes, or prayer put a-parte, officers to be made of good name and fame, of

The Bailiffs yearly to choose the serjeants.

If the Bailiffs are absent, the 24 to choose two serjeants for the high Bailiff, and the 48 two for the low Bailiff.

abilite to occupie hur seid office wtyn the cite, and that none other persones vnder colorr of mayntenaunce, or that berith eny mans leverey otherwise then the statute wolle, and that they ben of good and honest conuersacion; this article to be kept by the kynges commaundement. And yf the Baillies for the tyme beynge, or oon of them, electe eny seriaunt contrary to the seid Acte, enformed by eny in the counselle house to the contrarie and proved, to pay to the comyn tresorr c.*s.* And yf, in the absence of the seid Baillies, the xxiiij. aboue or xxiiij. beneth do the contrarie of this Acte, that they forfet in lyke forme.

Penalties for choosing serjeants contrary to this act.

The water must be kept clean near Severn Bridge.

LI. Also, that no Sadeler, Bochorr, Baker, ne Glover, ne none other persone, caste non Intrelle ne fylth of Bestes donge, ne doust, over Severne brugge, ne beyond the seid Brugge in the streme. And also that they do not shave flesh, skynnes, or huydes, but above the Brugge, bitwene the waterynge place at Seynt Clements yate, and the seid Severne brugge. And that they wasshe none heare, but benethe the brugge, and that on the ferther syde of Severne, or els beneth the Slyppe of the lode, in peyne of lesynge of vj.*s.* viij.*d.*, as ofte as it ys founde in defaute by dewe enquerry of xij. men, the oon half to the Baillies and the other half to the comyns.

The sale of fish.

LII. Also, that no ffyssher citezen by no ffysshe of no foreyn, commyng to vitelle the cyte, tylle the comyns be serued, yf they wylle bye of yt. And that the straunge vittellers sille it them self, and none other ffyssher, in peyne of lesynge of xx.*s.*; half to the Baillies, and half to the comyn profite, it proved by xij. men. And that they forstalle no ffyssh by the wey, ner none other vittelle comynge to the market of the cite, from eny straunge contrey, or fro the see. And that ther be no fees yeven by straungers to none Aldermen, Aldermens seriaunt, ner to none other officers, and that ther be no citezen regratorr of see ffysshe, ner none other fressh fysshe, as Tenches, Pykes, and other that come to the cite, vppon peyne of xl.*d.*; to be payde, half to the Baillies, and half to the comyn tresorr. And yf ther come eny vittelle, ffressh or salt, to the key, or eny other place, to be solde, that the Aldermen for the tyme beynge take

There shall be no forestalling, bribery, nor regrating.

ij. of the ffysshmongers, to be indifferently chosen and sworn, to se that alle suche vytelle be able and sete for mannys body, and yf it be found not able for to be solde, in peyn of xiij.*s.* iiij.*d.* of hym that so sillith the contrarye, vppon amonicion yeven. And that the Aldermen put duly the seid ordinaunce in execucyon, in peine of aboueseid. And yf eny ffysshemonger, or eny other inhabitaunt wtyn the seid cite, bye eny suche vittelle proved not able, shalle lese xx.*s.*; half to the Baillies and half to the comyns. And yf eny such vitelle proved able, that no vitteller bye vnto xj. of the clok, vnder the seid peyn in forme aboueseid, and that no persone wtyn the seid cite sille no ffysshe watrd at retayle, but he be contrubitory wt the ffisshemongers crafte, paynge accordynge hur rightfulle ordinaunces,—hearrynge and salt fysshe alwey except.

Two over-lookers of the fish to be chosen to see that it be fit to eat.

LIII. Also that [*by*] the good aduise of the Baillies and chamberleyns, the Brugge may be ouerseyn at alle tymes, and disposed and purvoyd for to the vse and suerte of the cite, so that it may be remedyed and holpen when that it ys ruyn, or in dispeyre, or bifore. And reparacyon of the seid Brugge be ouerseyn by the ij. Chamberleyns euery quartr of the yere, as welle aboue as beneth, for reparacyon of the same to be made, as the cause shalle require, in eschewynge of grete myscheves, or ruyn might falle the same.

Maintenance and repair of the bridge.

LIV. Also that the keye Slippes, and the pavyment of the grete Slippe, be made in hast, or that it be in grete parylle of reparacion; and that the [*ther be*] a water Bailly ordeined, as it hath ben of old tyme, he to receive suche customes and profites as ben longing the seid offices, and therof to make trewe accomptes to the profite of the seid cite. And the seid watr Bailly to be chosen at the lawday ne[*x*]t after the feste of seynt michelle.

The quay slips to be kept in repair, and a Water Bailiff to be chosen, as of old.

LV. Also that ffrogmylle yate be made sufficiently for grete parylle þt myght falle vnto the seid cite, and to the citezens dwellynge theryn. And the yate enterynge in to the castelle also, by alle halowen day next commynge, for diuerse causes that myght falle. And the keyes and the kepynge of the seid yates, the Porter of Sudbury yate therof for the tyme beynge shalle

The repair of Frogmill Gate and Castle Gate;

the porter of Sudbury Gate to keep the keys thereof.

be charged therwt; and he for to kepe it sufficiently, in peyn of lesynge of a noble; the oon half to the Baillies, and the other half to the comyn tresor. And that the chamberleyns, kepers of the articles of the yelde, y[e]ve attendaunce the wallys of the cite, that yf eny parte falle in ruyn, the stones therof be not borne awey by eny persone. And yf they may haue notyce of them that so done, notably to be punysshed and amercyed, after they shuld be founde gylty by trewe informacion. And the amerciamentes therof to be arered to the comyn profite. And yf the seid chamberleyns may in eny wise, of ther comyn receytes, yerly to repare the defautes of the same walles as the seid goodes may strecche, for savegarde of the kynges cite. And yf eny persone*

The City walls to be maintained, the stones thereof not to be carried away.

Sanatory regulations.

LVI. Also, that non persone cast eny donge of eny manere harlotre in the Slippe goynge to Severne at the lode, ner vppon the keye, vn peyn of lesynge of xl.*d.*, as often tyme as they be founden in defaut therof. Also that no man haue non swyne goynge theron, on the peyn aboueseid, to be payde to the Baillies for the tyme beynge, wherof the oon half to the vse of the comyn tresor. Also that no maner person wtyn the seid cite, have ne suffre non swyne goynge at large, in anoysaunce or grevaunce of hur neyghburgh or eny citezen of the same; and yf he avoyde hem not, or put hem in warde, aftr warning made vnto hym by the chamberleyns, he that ys so in defaute to paye the peyne reherced; the oon half to the vse of the comyns, and the other half to the vse of the Baillies. And yf he remove them not wtyn a moneth vppon his warnynge made vnto hym by the Baillies or kepers of the yelde, then for to forfett his swyne, half to the Baillies office, and the other half of the price to the comyn tresor.

No swine may go at large.

Regulations for the tilers.

LVII. Also, that non Tylers called hillyers of the cite, nor other man wtyn the cite dwellynge, compelle ne charge ne make no tyler straunger, comynge to the cite, to serve at his rule and

* A wide blank of about three lines occurs here.

assignement, but that he may take by the day as he and the partie wt whom he shalle worche may accorde, and in non other wyse. And that the Tyler of the cite sett no parliament amonge them, to make eny of them to be as a maister, and alle other tylers to be as his seruant and at his commaundement, but that euery tyler be ffree to come and go to worche wt euery man and citezen, frely, as they may accorde, in peyn of xx.s. and lesynge of his ffraunches of hym thay be found in defaut, yevynge to the Baillies and to the comyns as yt owght to be departed. Every workman tiler to be free to work with whom he likes.

And euery tyller makynge and sillynge it into the cite, sett his propre marke vppon his tyle, to that ende, yf it be defectif or smalle, that men may have remedy of the seid partie, a[s] lawe and resonne requirith. And he that refusith to marke his tyle as it is aforn reherced, shalle lese to the comyn tresor xx.s., as ofte tyme as it apperith to be areryd. Every tiler is to set his own mark upon his tile.

LVIII. Also that the office of Towneclerkshippe of the cite from hensforth be neuer yeven to eny persone dwellynge out of the cite, yf ther be eny wtyn able to occupie, and that at euery avoydaunce ther be the seid office yeven to another of the same cite, so he be a citezen and occupie it his owne persone; in peyne of forfetting of a c.s., wtout he take licence of the Baillies for the tyme beynge, or a resonable cause of an excuse to be payde; to the Baillies ther the oon half, and the other half to the comyn profite of the seid comyns. And yf eny man of the seid cite make or labor for eny other persones then for a man of the seid cite, that then he forfett his ffraunchise. And also that the office of the Tounclerkshippe of the seid cite be occupyed by a sufficiant and by a discrete persone, able therto, and he to receyve and enyoie the wages accustumed of the seid office, for a yere or more yeres as it may be founden that he truly behave hym in the same occupacyon, wt dayly attendaunce made to the same, and not by symple and insufficient deputz; and that he engros in perchement all thynge longynge to the Baillies office, and in his Courts holden aforn them, wtyn a quarter of a yere aftr mihelmas, or aftr ther discharge; and this to be done yerly for ther discharge, and for lavfulle remembraunce to be left to the The Town Clerk; his qualifications, wages, and duties.

seid comynalte, for ther comyn serche to be hadd of the same, when it shalle be necessarie to them, as welle for ther frehold as for other accyon betwene party and partie. And that the toun-clerk of the seid cite for the tyme beinge, shalle yeve no juge-ment in the Baillies name of the same cite for the tyme beynge, in or vppon eny diffuse matier biforn them, w^t^out the aduise of the Recordo^r^ of the same cite for the tyme beynge.

The Town Clerk must not give judgment in difficult cases without the advice of the Recorder.

LIX. Also that alle the attorners vsynge the comyn custome at dayly courts, to plede aforn the Baillies the citezeins of the seid cite, and sworen afore the seid baillies, as longe as ben ij. attorners or more in the seid cite, and els foreyn attornes to be admitted and sworn in lyke wise, truly to execute ther office as the lawe requirith w^t^out mayntenaunce, or champertye, or conseilynge ther cliauntor^s^ to vse eny fals accyons. And that the seid attornes be not of clothynge outward otherwise then the Statute wylle. And yf eny persone take vppon hym to be attorney in the seid cite, beynge non citezen, and contrary to the cause above seid, that the Baillies of the cite haue power and auctorite to committe hym to prison.

The attorneys of the city, their admittance and livery.

LX. Also, that the Baillies from this tyme take [*not*] eny enquest for the kynge, but by xij. trewe just and lawfulle men havynge fre hold vnto the valo^r^ of vj.*s.* viij.*d.* by yer, or goodes and catalles to the valo^r^ of x. marks, and by none other, and this enquest for the kynge be take but ones in a moneth, or els that the gretter necessitie or cause it require. And that alle suche enquest^s^ that shalle be retorned here aftur, beforn the Baillies, bitwene party and party, as shalle happen by forme of pledynge, in euery maner accion biforn them, as the case shalle require, be made of trewe, just, and lawfulle men, havynge sufficient, as the lawe wylle; and that they appere at the distringas by pro-cesse made ayenst tylle the matere be fynisshed and determyned by ther verdyte. And he that is empaneled, and wolle not appere, and hath non goodes ne catell^s^ by the which he may be distressed, lese in yssues at the first distringas, ij.*d.* And so from day to day tylle they appere, and alle suche issues so forfet by defaute to be written out in stretys, vppon euery jurro^r^

Inque-ts shall be taken by 12 jury-men of a certain qualification.

founden in defaut, half to the Baillies and the other half to the comyn profite. And that the seriaunts of the seid cite shalle be sworn vppon a Boke, that they shalle empanelle apon euery venire facias xij. trewe and just persones, and such as ben indifferent, and vppon euery venire facias they shalle retorne diuers persones, so that the charge and apparaunce of the seid persones may be egalle. Item, þt the seriaunts for the tyme beynge, vppon a distringas award in euery matere bitwene citezen and citezen, or citezen and foreyn, vppon the which xij. men ben empanelled, shalle distresse theym by ther goodes and catallez, yf ther be eny, and brynge it in to the court, and so contynow wekeley vnto the tyme the matere be fynisshed, in peyn of euery of the seriaunts that dothe the contrarie for to lese vj.*s.* viij.*d.*; half to the Baillies and half to the comynerz. Also it ys ordeyned that yf eny persone be accused or endited biforn the Baillies for the tyme beynge, and vppon that be arested or attachid and brought biforn them, for the which they ought to make a fyne, the seid Baillies shallen declare to them the cause or hur inditynge, and ther vppon to make them to putt them in a free eleccion, Whether he or they wylle make fyne resonable wt the Baillies, or to take ij. affurrors accordynge to the Acte therfore prouided, or to trye it by xij. men aftur the lawe in suche case provided? And yf eny suche Baillies do the contrarie, to paye to the comyn tresor xx.*s.*, as often tymes as eny ys founden in defaute.

Duty of the serjeants empanelling a jury.

Case of *distringas*.

Three courses shall be open to a person accused;

to agree upon a reasonable fine;

to be amerced by the afferors (see before, p. 395);

or to go to a jury.

LXI. Also, it ys ordeyned by this present yelde, that alle tho and euerych of them, that ben or chosen of the noumbre of xxiiij. and xlviij., and tho that shallen be chosen herafter in to the same, shullen be redy for to come in ther propre persones to the counselle house of the seid cite, as often as they shallen here the grete belle of the parisshe of Seint Androwe to be knolled by many as diuers tymes, and aftr that rongen out for the same; and he that faylleth vppon that warnynge, wtout a resonable cause or excuse (to be admitted by the fellishippe aboue neamed) to forfett and paye, that ys to sey, every persone of the xxiiij., ij*s.*, and euery persone of the xlviij., xij*d.*: the

The 24 and 48 to come to the Council House, when they hear the great Bell of St. Andrew's ring.

summes forfet to be payde, half to the Baillies for the tyme beynge, and the other half to the comyn cofer for the comyn profite. And a bille of the names of the seid xxiiij. and of the xlviiij., or of other in ther places, to be chosen as it shalle happen, contynuelly to remayne wt the seid chamberleyns, kepers of the yeld. And the seid chamberleyns to endure in that office as they truly feithfully and profitable behave them, to the profite of the seid cite and comynalte of the same. Also the Bowbelle accustumed in the seid cite to be rongen at ix. of the belle, to be contynowed yerly for grete ease of the seid cite. The paryssh clerk ther to haue his fees acostomed therfore.

The chamberlains to keep a list of the 24 and 48.

Bow-bell to be rung at 9 of the bell, and the parish clerk to be paid for it.

Whereas at some former gild-days the commonalty have not known of the laws at those times made;

for the future the articles made at each gild-day shall be read twice at least before the common council of the city, and, the day after, before all the citizens.

LXII. Also, it ys provided by this present yelde, that for asmoche at diuers yeldes precedents it hath not be knowen to the comynalte of the seid cite, for no good constitucions, ordinaunces and articles disposed or ordeyned, and in dew tyme of the seid yeld holden, radde, and declared, for tyme folowynge, commaunded for to be vsed and obeyed, and by this grete defaut and hurte growen to the seid cite; That from hensforth at euery yelde wtyn the seid cite to be holden aforne the day and fest of the seid yeld, alle manner of constitucions, ordinaunces, and articles, as welle made at yelds precedents, as shal be made and conceyved at this seid yelde of newe to be holden, for the welfare of the seid cite, shullen at the laste be ij. redde aforn the comyn counselle of the seid cite, for ther willes, assent, and agrement, to be hadd in the same. And aftr they have assented the iijde tyme, the ordinaunces of the seid yelde to be radde aforn alle the citezens of the seid cite that wollen appere to the same; and that to be done the next day aftr the first day of the seid yelde holden. And aftr that, euery Acte so redde and declared, and by the hole comyns, or most of them as it ys aboueseid, to stonde ferme and stable.

Proceedings if any citizen incur disfranchisement.

LXIII. Also, it ys ordeyned at this present yelde, that yf eny citezein of the seid cite by[1] accused by informacyon or presentment, that he shuld offende in brekynge of eny of the articles aboueseid, for the which as it apperith by the same he owght to be disfraunchised, that then the persones so accused at iiij.

[1] (*sic*).

comyn courts next folowynge, holden on diuerse mondayes aftr the seid accusement so made, shalle be called in the yeld halle of the seid cite to answere to the seid accusement; and yf h[e] appere not in propre persone, ne by attorney, at eny of the seid courts, then to be disfraunchised, and thervppon his name to be sett vppon a table in the yeld halle called the disfraunchised table, to the entent that the comyns of the seid cite may have knowlech of them that so shalbe disfraunchesid, for brekynge of eny of the articles aboueseid. Also yf the persones so accused appere in propre persone, or by attorny, wtout mayntenaunce and eny vnlawfulle supportacyon at eny of the seid iiij. courts, and it be founden by his owne knowlegge, examinacyon, or by an enquest of xij. men, that he is gilty in brekynge in eny of the seid articles, for the which he owth to be disfraunchised, then he so be so disfraunchised, and the name sett vppe in forme aboueseid; or els he to make a grevous fyne, after the discressyon of the xxiiij. of the grete a-cloth and xlviiij. of the comyns, of the most partie of them, vppon hym to be assessed and levyed.

The "disfranchised table."

LXIV. Also, it ys ordeyned by this present yeld, that for alle the articles penalle, ordeyned and affermed by the same, that wher eny summes forfett shulde be payde by the same, as it is expressed in the seid articles, the oon parte of the seid summe to the Bayllies, and the other parte to the comyn tresor, and in some articles the hole to the seid tresor, for the ease of the seid cite; That the Baillies of the seid cite for the tyme beynge, shal, by ther power and auctorite, do to make as hasty levy of the summez that shuld be forfett to the comyn tresor, as they shuld in eny wise do, for that ys or shalbe forfet to the Baillies,—to the entent that the kepers of the Articles of the yeld may receve it, and trewe accomptes make of the same, to the profite of the seid cite,—by seueralle of fieri facias to haue execucyon ayenst them that haue forfett in the seid summez or in eny of them, for brekynge of the seid articles, yf they have goodes and catell sufficient to the contentacyon of sommes so forfett; and yf they haue non goodes nor catelles sufficiaunt to the contentacion of the summez so forfet, then to haue auctorite and power to make

The Bailiffs shall levy fines forfeit to the city treasure,

by writ of *fieri facias*,

or by writ of *elegit*.

levy by seueralle Elegit, to haue execucion of ther londes, tenementz, goods, and catelles, of them that haue forfet the seid sommez of money for brekynge of eny of the seid articles. And yf they haue non goods ner catelles, sufficiant to the contentacion of sommes so forfet, then to haue auctorite and power to make seueralle capias ad satisfaciendam ayenst them that haue so forfet the seid sommes of money, to brynge them to the yeld halle of the seid cite, ther to abide vnto the tyme they haue made full contentacyon of the summes aboueseid, accordynge to the seid articles made in this present yelde. And yf the Baillz do not ther devor according to this Acte, that he or they founden in defaut by the comyn counselle forfett to the comyn tresor xx.s., as ofte as he or they be founden in defaut, in forme aboueseid.

Or to take up the defaulters by writ of *capias ad satisfaciendam*.

Bailiffs to do their duty herein, on pain of 20*s*.

This present lawday confirms laws made at all former law days (see p. 402).

LXV. Also, the comyns of this present yeld affermen and enacte alle the poyntes of this yeld, for the grete ease, pease, profitz, and tranquilite of the Cyte; and the laste yelde made, and at the yeldz precedentz, and at euery lawday precedent, for to be ferme and stable, wtyn the seid cite to abide. And yf eny citezein contrarie to the seid actes in defaut be founden, that none other citezen wtyn the seid cite demenaunt, wt hym bye ner sille chaffare, vn peyne of lesynge of his liberte and ffraunches for euer more, that y-found by inquisicion of xij. trewe men or other wise; this enacte so to endure by force of this present yelde.

Citizens who break the laws can have no commerce with their fellow citizens.

Election of the Low Bailiffs.

LXVI. ffurthermore, they that shallen be in eleccion of the lawe Baillys shalbe chosen by the Baillies and Aldermen, wt other worshipfulle beynge present, and suche as shalbe electe and named, be of the most worshipfulle and most of the freehold wtyn the seid cite; and that non seriaunt name nor entremet of the seid eleccion. Ner that the seriaunt entremet wt the eleccion of the lowe ne high eleccion of Baillies, in peyn of xx.s. of eny seriaunt doynge the contrarie; half to the Baillies, and half to þe comyns, as ofte as he or they be founde in defaut. And in lyke wyse the seid seriaunts empanelle no man to be in gret inquest vn the lawe days, but it be done in

The serjeants must not meddle in the elections.

The empanelling for the grand jury of the Leet to be in due form.

C

forme aboueseid vnder the seid peyne and vnder the seid forme.

LXVII. Also, that the seriaunts, or oon of them, empanelle none persone bitwene party and party, but most indifferent, wtout favor made or male ingyne. And yf eny suche panelle be otherwise retornyd, it thought by the plentife or defendaunt, that then the plentif or defendaunt or ther attorney shalle gēve the Baillies in knowlegge, at the day of the venire facias retorne; and the seid Baillies then to do and see a trewe and feithfulle direccion therynne, as conscience and trouth requireth; and yf the seid seriaunts or oon of them do the contrary, it provyd, to pay xx.*s.* in forme aboueseid. Juries to be empanelled indifferently, and the Bailiffs to see that it is done.

LXVIII. Also, that no person sille none ale out of his place, but he haue a signe at his dorre, in peyn of vj.*s.* viij.*d.*; half to the Baillies, and the other half to the comyn tresor. Every ale-seller must have a sign at his door.

LXIX. Also that non Bochor, ner non other persone, to his vse, occupie cokes crafte wtyn the liberte of the seid cite, in peyn of xiij.*s.* iiij.*d.*; half to the Baillies, and half to the comyns. No butcher may ply the trade of a cook.

LXX. Also, that non citezein be attached by his body as ffugitif, vnto the tyme a citezen, or ij. citezens, of good name and fame, and wtout male engyne, mede, or favor, geve the Baillies knowlegge, or on of them, in dew forme therto accordynge. And yf eny suche attachement be made and done to the contrarye, to stonde as voyde and of none effect, it duly proved. And yf eny citezen fugitif be attached in forme aboueseid, the seriaunts to take ther fees onys of hym, and no more, though it so be the seid fugitif fynd suerte to answer to the accion comencyd ayenst hym, it proved that he be fugityf in forme aboueseid. And yf the seriaunts of eny of them then take eny fees, otherwise then ys aboue specified, to le[*se*] vj.*s.* viij.*d.*; half to the Baillies, and half to comyns, as ofte as he or they be found in defaut. As to citizens fugitive.

LXXI. Also, that the citezeins that be named by the Baillies to her accompts, betwene citezein and citezen in accion of debt, aftr the customs of the seid cite, that they appere in the yeld A debtors' court.

halle, at the day and houre limitted by the seid Baillies, vpon monicion to them yeven by eny seriaunt, vppon the peyn of xij.*d.*; to be payde, half to the Baillies, and half to the comyns, as ofte as eny defaut may be proved in them or j. of them.

No serjeant to be interested in any case, unless a stranger, out of the city, make him his attorney.

LXXII. Also, that no seriaunt be attorney, nor colour the meanes of attorne, nor appere for eny party, nor to take eny money vnder the meanes of attorne, but the persones that sewen to make and ordeyne the attorney them self, but yf so be that eny straunger make eny officer attorne by writynge, not feyned or colored, and that it be written and ordeynd at large out of the seid cite. And yf eny do vnto the contrarie to lese vj.*s.* viij.*d.*; half to the Baillies, and half to the comyns, as ofte as eny defaut in this behalf may be founde.

Citizens of the old and new chekers to pay their accustomed fees.

LXXIII. Also, it ys ordeyned at this present yeld, how be it euery citezein of the old cheker pay at this tyme but vij.*d.*, and euery citezein of the newe cheker but xiij.*d.*,—that this shalle not be take for none example, but that euery citezein of the old cheker shallen pay at euery yeld, here aftr to be holde wtyn the seid cite, ix.*d.*; and euery citezein of the newe cheker, xxj.*d.*; as of old tyme hath ben vsed and acustomed.

Tenants of the Bishop of Worcester not to be interested in actions against him, before the Bailiffs.

LXXIV. Also, it ys ordeynd at this present yeld, that euery citezein and euery inhabitaunt wtyn the seid cite, or citezeins foreyn, beynge tenaunt, sunt, or bondman, to the Bisshoppe of Worcetr, take non benefice in eny accyon comensed or to be commensed ayenst hym, before the Baillies of Worcetr, by that though he or they be the seid Bisshoppes tenaunts, vppon peyne of disfraunchesynge.

Bakers who bake horse-bread shall not keep inns.

LXXV. Also, it ys ordeyned at this present yeld, that non Baker that shalle bake eny horsbrede, kepe eny hostre, vppon peyne of euery tyme found in defaut, of lesynge vj.*s.* viij.*d.*; half to the Baillies, and half to the comyns, as ofte as he ys found in defaut.

Every inn-keeper must have a sign at his door.

LXXVI. Also, it ys ordeynd, that no maner persone kepe non hostries wtyn the seid cyte, but he haue a signe at his dorre, vpon peyn of vj.*s.* viij.*d.*; as often tymes as he is founden in defaut; half to the Baillies, and half to the comyn tresor.

LXXVII. Also, it ys ordeyned at this present yelde, that if eny accyon be take of dett ayenst eny persone, of the summe of xx.*s.*, or wtyn, or eny accion of detunue be taken of wtholdynge of goods and catelles to the valu of xx.*s.*, or wtyn, or eny accion of trespas, thenkynge to the Bailly that it ys not worshippefulle ner good, by informacion or opr wise, that then the partie defendaunt shal not plede in accion of dett: ren luy doit prest deauere pur le pais. In accion of detunue: rien luy detinet prest, &c. And in accion of trespas: de ren couper prest, &c.; but that the court shalle suffre them to wage ther lawe. And yf the defendaunt plede eny suche plee, contrary to the premisses, that then he shalbe condempned in the seid accion or accions. Actions of debt for sums under 20*s*.

LXXVIII. Also, it ys ordeynd by this present yeld, that alle maner of Craftys wtyn the seid cite, that haue pageants, goynge to the worshippe of god and profite and encrese of the seid cite, and also alle the Craftis that ben contributory to the same, and to the lightz of torches and tapers amonge the seid crafts, vsyd in the seid cite, haue and enyoie ther good, feithfull, and trew approved customes and vsages, in susteynynge ther pageants, lightes, and other necessaries to ther craftys, of reason and custom belongynge or apperteyninge; the comyn weele, welfare, and prosperite of the seid cite, accordynge to the kyngs lawes, alwey kept and forseyn. Also, that yf eny persone straunger, comynge to the seid cite, beynge a craftisman of eny craft afore named, dwellynge wtyn the seid cite, beynge a freman, or kepynge a shoppe, happen desirynge to hold crafte as a maister wtyn the seid cite, or subarbez of the same, at his furst entree ther, he to comyn wt the wardeyns of the same crafte that he desirith ther to occupie, and by them as reson and conscience wolle, after the custom of ther crafte to be demened, as welle for his entre as for yerly payment to ther pageants and lightz: and in lyke wise alle jorneymen straungers comynge to the seid cite, aftr xiiij. nyghts of his abidynge in the same, to be spoken wt by the wardens or kepers of the craft that he canne or exercisith, and for the same to be contributorye to ther pageants The craft-gilds of the city shall maintain their accustomed pageants, saving the commonweal of the city. Strangers, entering their respective crafts, must pay the fees ordered by the wardens: both masters, and journeymen.

and lights, and other jornemen of the seid crafts yerly doth paye and satisfie; and what persone that denyeth this, therof notice to be made to the Baillies, and to the kepers of the articles of the yeld, they to reforme w^t^out accion or redresse suche maters as the matier of reson shalle require. And that euery crafte havynge the name of pageant, shullen fynde oon cresset yerly brennynge, to be born biforn the Baillies of the seid cite, in the Vigille of the natiuite of Seynt John Baptiste, at the comyn Wacche of the seid cite; and the wardeyns of the seid crafte, and alle the hole crafte, shallen wayte vppon the seid Baillies in the seid Vigille, at the seid Wacche, in ther best arraye harnesid, vppon peyn of euery man so failynge, vn-lasse then he haue a sufficient depute, of xl.*d.*, and often tymes as he be founden in defaut; the oon half to the Baillies, and the other half to the comyn tres^or^. And that euery craftesman aforeseid that proposeth to set vppe crafte w^t^yn the seid cite, that he paye to the Wardeyns, Stewards, or Maister of the same, not excedynge xiij.*s.* iiij.*d.*; in peyn of theym or hym of euery stuard, warden, or maister, that doth the contrarie, xl.*s.*; half to the Baillies, and half to the comyns.

Every pageant-craft shall yearly provide a cresset to be borne before the Bailiffs on St. John's Eve; and all the crafts shall be with the Bailiffs at the Watch on that Eve.

Fees to be paid by new craftsmen.

LXXIX. Also, that no maner vitteller pay eny thynge for the occupacion of the kynges Borde, to eny maner office3, for ther vytelle ther to be sold, that ys to seye w^t^yn the seid cite.

No words of offence, or quarrelling, to be had in the Common Council chamber.

LXXX.* Also, hit ys ordeyned by the seid yeld, and by the assent and concent of the xxiiij. and xlviij. of the comyn counselle of the cite of Wyrcett^r^, beyng in the counselle chambur of the seyd cite, that none of the seyd xxiiij. nor xlviij. beyng in the seyd chambur, for the comyn wele of the seyd cite and the inhabitauntes of the same, yeue eny wordes of occasion or reproofe to other wythyn the seyde chambur, wherby the kynges pes be dysturbed or þ^e^ corecction þ^r^ lettid, and that yn peyn to hym that so offendyth, xl.*s.*, the seyd offence founde by the hole chambur or by the more parte of the same; halfe to be payed to the Bayllyfes for the tyme beyng, and halfe to the comyns of the seyd cite.

* This article, and all that follow, are written in a different hand and ink.

LXXXI. Also, hit ys ordeyned by the assent and concent of the seyd counselle &c., that by cause afore thys tyme hit hath ben vsud att some seasones of wylfulnes to chose for to be seriantes of the citee and constables wtyn the seyde cite, persones of worshippe, to the dyshonor of them and the seyde cite, —that yn tyme come, none be electe nor chose to the seyd offices, that be of the numbur of xxiiij. and xlviij., and yf eny be elected contrarye to this ordenaunce, that suche eleccion stonde as voyde, and the grett enquest for the tyme beyng to procede to a new eleccion, yn forme aboue rehersud.

Serjeants and constables are not to be chosen from among the 24 or 48.

LXXXII. Also, hit ys ordeyned by the assent and concent of the seyd counselle, &c., that none be chose yn tyme to come to the office of Bayllywyke of the seyde cite, but suche as be of the xxiiijte for the gret clothe. Provyded that ther be xxiiij. yn numbre the day of the eleccion. And yf hit so fortune ther be nott xxiiij. yn numbre, that then he that ys to be chosen, yf he be nott of the grett clothe, that att the leste he be on of the numbre of the xlviij.; and that none be chose to be of the xxiiij. but suche a persone as ys of the numbre of the xlviij.; and yf eny Bayllyf be electe and chose wtyn the cite, contrarie to the forme above rehersud, that then that eleccion stonde as voyde, and þe electors to go to a new eleccioun.

The Bailiffs to be chosen from the 24.

GENERAL NOTE.

THESE Ordinances of Worcester are now printed as a whole for the first time. A few small extracts only are in the Appendix, No. 14, to Green's History of Worcester, the body of Ordinances given by him being of a later date (Henry VII.), (see next page).

Besides the two volumes of "Orders" of the Gild of Joiners and Carpenters (see before, p. 208), the Corporation of Worcester possess two highly interesting volumes of the ancient records of their city. The first of these, whence the above Ordinances are taken, and the handwriting of which is contemporary with its contents, is a small folio volume in a plain strong modern binding, lettered at the back "*Ordinances, Edward IV.*," containing fifty-four leaves of parchment, for

the most part closely written on both sides, with a broad ruled margin. The book is composed of six "quayers of parchemyn" (see before, p. 379), upon the first three of which, in a clear and regular hand, these Ordinances are written. The Articles LXXX., LXXXI., LXXXII. appear to have been added later, the style of handwriting and the spelling differ from those of the foregoing, and they are not included in the "Kalender" of the Articles which follows (see before, p. 370). On the space left on the page between the last of these and the Kalendar have been inserted six other Articles,—the first only of which is in English, the rest being in Latin,—written in a close and crabbed hand; these, relating chiefly to trade, it was not thought necessary to give here.

The volume however contains, besides the Ordinances now printed, which were made in the time of Edward IV. (1467), a body of "Ordinances, constitucions, & Articles" made by the citizens in the twelfth year of Henry VII. (1497). The old laws were evidently then "openly redde and declared" (see before, p. 376), and amendments made where found necessary; for these Articles are the same in substance with those of Edward IV., but their arrangement is different, and various additions and transpositions have been made. Though some of the Articles are fuller, there are not so many as in the earlier body, their number reaching only to thirty-eight, both actually and in the Kalendar of their contents, which, as in the first instance, follows them.

The next leaf illustrates the old mode of taxation in England; it contains tables showing the sum due from Worcester for tenths and fifteenths, and the proportions to be paid by each ward within the city, at two periods; the first being what was gathered "olim in Wigorn," the second "tempore H. sexti." Below these are some fees to city officers. This page seems to have been written out at the same time, and is signed with the same name, as the Ordinances of Henry VII. Next follow transcripts of several of the old city charters, probably some of those ordered by Article I. (see before, p. 376), beginning with that of Edgar, A.D. 964, headed by a curious short historical preface, in which the ancient scribe tells us that Worcester was founded by Wolfhere, King of Mercia, in A.D. 679. The volume is closed by a curious table of "wages and fees" to the Town-Clerk, and a minute description of the perambulation of the city (the value of which is seen in Article IV., p. 378), made, "as in tymes passid," on 12th April, 1497. This "perambulation" is printed by Green, Appendix, No. 15.

The other volume is of a much later date, and appears to be formed of two books which have been bound up together by a modern hand; it is lettered at the back "*Liber Legum.*" As has been seen, the volume just described is the true *Liber Legum*,—the book of ancient laws of the city;—the second volume however possesses an independent interest of its own, for it not only brings down the history of the local bye-laws,

but it shows the actual working of an important English institution, now forgotten. It contains the records of the Courts Leet, or Views of Frankpledge, held in the Gild-hall of Worcester, from 1624 to 1710, at which the laws of the city were perused, amended, and confirmed; the grand jury-men being frequently pointed out as "The Law-makers." The Leet itself is, in both volumes, often called the "Law-day;" while another proof of the close relations between the municipal body of the city and the Gild, is given by the fact that it is, as often, spoken of as the "yeld" or even "yeld-marchant" (see before, pp. 376, 377, 385). At the beginning of the volume, and again at the beginning of the second book, are recited and confirmed a body of laws; for, says the preamble thereto, "the particular lawes and constitucions of all Cytties and Corporacions are said to bee the very sinewes and strength of the same, and that noe persons comonly proue more vncivill and vnwise then those which doe contemne and dispise the Authorytie of them." Many of these treat of the same matters as some of the older Ordinances, but though the "Guild-hall" remains, the Gild-merchant does not seem to be found at this date. It may be that this Gild had become overshadowed by the number of other Gilds in the city, for in the preamble to a third recital of laws in this volume, made A.D. 1671, for the purpose of obtaining the Justices' signatures under the Act of 19th Henry VII. (see before, p. 210), it is stated that the citizens and inhabitants of Worcester "for the greatest part are vnited into Guilds, ffraternities, and Brotherhoods."

The intimate connection of the Gild with the Corporate body which appears by many of the Ordinances of Worcester, is found to have existed from the beginning of the Gild. In a Charter of Henry III. (A.D. 1227) confirming several privileges to the citizens, it is expressly set forth "that they shall have a Gild-merchant with a hanse and other liberties and customs pertaining to the Gild." In the table of "wages and fees" to the Town-Clerk before-named, after the fee "for entering the name of anyone when he is made a citizen, ij.*d.*," it is stated that "proclamations must be made in the accustomed places four times before the holding of the gild [gildam tenendam], that all who are citizens and are willing" may appear. Also "there must be written upon the door of the chamber all the officers of the gild, and the day of the holding the gild, that all who come that way may know when it is to be." The five pageants of the Craft-gilds, with their lights and their tapers, were kept up by the yearly attention given to them by the grand jury of the Leet (before, pp. 385, 407), and must have much resembled those of the show-loving men of York (before, pp. 140, 143).

These old Ordinances here given obviously were not the originals, but were, like those of Winchester and others, copied from laws still older. This is seen from some of the Articles themselves, which show that

they are but those "of old tyme" renewed, or made at "yeldes precedents" (see pp. 377, 382, 397).

A volume might be written were all the topics of these highly suggestive Ordinances dwelt on. The officers of the complete municipal government, the High Bailiff and the Low Bailiff; the 24 men of the upper chamber, wearing the chief livery, the 48 men of the commoners, the lower chamber, of the Common Council (see p. 386); the aldermen, chamberlains, recorder, town-clerk, and serjeants, are all named here, with others who were appointed when it was found necessary, as the "judges," and "afferors," or assessors of fines (pp. 379, 395); while the relations of the city to the State are recognized by the Ordinances as to the choice and duties of members of Parliament, and keeping the peace (pp. 393, 385, 388, 389). As in Winchester, so in Worcester, much heed was given to those things pertaining to health and safety; some of the laws as to nuisances were frequently re-iterated, and in 1657 the grand jury-men indignantly desire that certain laws on that subject "bee without further delay putt in execucon, or else wee desire yo^{u} doe never trouble anie more lawmakers, for in tyme, if [one of them be] not executed, and sicknesse comes, it is enough to poyson most parte of the Cittie." The notes to the Winchester Usages (before, pp. 351, 353, 364) apply also to many of these Ordinances which touch on food and trade.

That these Ordinances were made in the true gild spirit of mutual aid among all is strongly shown by those touching clothmakers and tilers (pp. 383, 399; also before, p. 352, *note*), which betoken a sense of the free rights of the working-men not always carried into practice even at the present day. And how these laws were neither made in a corner nor kept out of sight of all concerned, is very instructively taught by Articles I. and LXII. (pp. 376, 402), according with the ancient custom in England, which provided, not only for the full assent of the citizens being given to their own laws, but also, for the frequent reading and declaration of them among all the people.

[L. T. S.]

III.

THE OFFICE OF THE MAYOR OF BRISTOL.

[In Mr. Pocock's MS. volume, from which the following is printed (see before, p. 283, note), several pages of other extracts from the same book of Robert Ricart precede these articles of the "Office." They refer to various facts in the history of Bristol, but there seems to be a paragraph wanting before what follows. This is explained at once, on reference to the original volume (which I have had an opportunity of making), where a preamble, too long for insertion here, introduces the subject. For a further account and remarks, see the General Note. L. T. S.]

1. I therefore the said towne clerk, in my most herty maner, exhorte and praye all suche worshipfulle persones as hereafter shall be callid and electid to the seide officez, at theire ceasons of leysoure to rede or do to be redde and overseen this present boke, so that by the ouersight of the same they may the better, sewrer, and more diligenter, execute, obserue, and ministre their said Officez, in assistyng and mayntenyng the fraunchisez, libertez, and laudable custumes foresaide, to the honoure and comen wele of this worshipfull towne, and all thenhabitaunts of the same.

All the officers are exhorted to read this book that they may the better know their duties.

2. Hit is so, that there hath been alweyes Maires in this worshipfull toune seth the Conquest, and byfore, whiche,—after that the castell of Bristowe was first founded and bylde by that noble erle of Glouc', Robt Consul, son bastarde vnto king Herry Beauclerk, the yongest son of William Conquerour,—the Mayres in that tyme used yerely on Mighelmas daye to feche and take theire othe and charge at the castell yate of Bristowe, of the

There have always been Mayors in this town,

who formerly took their oath and charge at the Castle gate.

constable of the saide Castell. And the same vse contynued vnto the comyng of that blissed prince king Edwarde the thirdde, whiche among othir fraunchise3 of his gode grace grauntid, by his honourable chartres exemptid the saide maires, and discontynewed theym, to feche their saide charges at the castell yate of the foresaide Constable, but ordeigned by the same fro that tyme sethens, every mayre on Mighelmas daie to be chargid, and take his othe of his next predecessour in the Guyldehall of Bristowe, before all the Cominaltee there. ffor the whiche it hathe alweyes sethen be usid yerely, that the iiij. Sergeauntes, waytyng on the mayre, shall vpon Seint Giles day, the first daie of the moneth of Septembre, warne all the worshipfull men of the Counceill of Bristow to be in theire Counseill Hous, at the Guyldehall of the same, the morowe vpon the daie of thexaltacion of the holy Crosse, at thellection of their Mayer and othir officers for the yere following; every man on peyne of x.*li.*, as it was ordeigned in the tyme of Stephyn le Spycer, being Maire in the xviiith yere of the reygne of kyng Edward the thirde. And then in their saide Counseill hous sytting, the Maire, the Shiref, and all theire brethern, ffurst the Maire to exhort theym all and euery of theym, with a pater noster and an ave, to pray the Holly Goste to be at their seid eleccion. And therevpon the Maire, first, by his reason to name and gyve his voice to som worshipfull man of the seide hows, and after hym the Shiref, and so all the house perusid in the same, euery man to gyve his voice as shall please him; which shal alle be wretyn by the towne clerk, and by the same reporte and present hym that hathe moste voises. Whiche persone so in due fourme electid to be Maire shal rise fro the place he sat in, and come sytt a dextris by the olde maires side. And after all their communications there at that tyme he shall be worshipfully accompanyed, with a certein of the seid hous, home to his place.

But now they take them in the Gild-hall of Bristol.

On 1st September, the Mayor is chosen by the Council of Bristol, with prayer, in due form;

after which he goes home.

3. Item, after all this doon, the seide persone so electid maire shalle haue his leysour to make his purveyaunce of his worshipfull householde, and the honourable apparailling of his mansion, in as plesaunt and goodly wise as kan be devised, untill the festall

The new Mayor shall provide for his household.

daie of Seynt Mighell Tharchangell then next folowyng, whate daie that evere he fall in the yere. The seide new Maire then to come to the Guyldehalle, accompanyd with the Shiref and all his brethern of the Counseill, to feche him at his hows and bring him to the saide hall, in as solempne and honourable wise as he can devise do to his oune worshippe, and to the honour, laude, and preysyng of alle this worshipfull towne. That is to say, yf that he haue be maire byfore thenne, he to come in his habite, that is to seie his Skarlat cloke, furred, with his blak a lyre hode, or tepet of blak felwet, and all tho that haue be maire3 in the same habite and lyverey, clokid. And if he haue not be maire byfore tyme, then he to come withoute eny cloke, in his skarlet goune. And all other that haue be maires, the same wise, sauf their servants shulle bere their clokes after them; and in the seid Guyldehall solemply stonding at the high deise of the same, after the stynting of the commen bell, ffurst the olde Maire to take his leve of his brethern and of all the comyns ther beyng, hauyng his wordes and speking under this maner of fourme:—"Worshipfull maisters and frendes, it is not owte of your remembraunce that this daie xii. moneth, I, vnworthy, was sworn to be maire of this honourable Citie for this yere that is passid. And Sirs, if that I haue done of my negligens and wilfulnes, otherwise then right lawe and good conscience wolde to ony man or woman, I will pray theym come to me, and I shal be redy to make theym amendys in that I haue offendid theym, yf my goodes will suffice therto, or ellys I shal aske theym forgevnes in as herty wyse as I can, trusting verilly in God they shal haue no grete cause3 of ferther complaynts.

On Michaelmas day he shall go in state to the Guild-hall with the Sheriff and the Council, all in their proper liveries.

The old Mayor's speech.

4. "Furthermore, Maisters and ffrendes, I am not sufficient ne can not thanke you of your godenes accordinge to youre due merits, for in you hath bene trewe obedience to kepe the king our alther liege lorde is lawes, and my commaundment in his name, at all tymes. ffor whiche, where as I am not able ne of power to deserve it vnto you, I pray ~~vnto~~[1] almighty God rewarde you with ~~also~~[1] moche joy, prosperite, and peas, as evir had comens and true Cristen people.

He thanks all for their obedience.

[1] [These erasures made by a later hand].

He recommends the new Mayor.

5. "Furthermore, Maisters and ffrends, here is a worshipfulle man, A.B., chosen to be oure Maire for this yere comyng, whiche of his grete wisedom, by goddes grace, shal refourme and amende alle such thinges as I of my sympilnesse haue not duely ne formably executed and fulfilled; and, worshipfull maisters and frends, the holy Trinitee blesse you all and kepe you in prosperouse peas, and felicite, long to contynewe, and [the holie Gooste]* evir be with you, Amen."

The giving the onth to the new Mayor.

6. Item, after this done, so standing at the seide high deise of the Yeldehall, byfore all the seide Comyns, the saide olde maire to holde a boke vnto the seide new maire, and the Towne Clerk with his boke to stand vppe, and rede the Maires Othe and his charge concerning his office, vndre this maner of ffourme.

The Oath and Charge.

7. "Thus here ye, A. B., my predecessoure maire, and all the goodmen of Bristow, that I., R. S., shall be good and true to King Edward the ffourth, Kyng of England, oure alther liege lorde, and to his heirs and his successours, and trewly with all my power I shall saue and kepe this his Toune of Bristow, to

Keep the peace.

hym and to his heires and to his successours. I shall kepe and meyntene the peas of the same toune with all my power. I shall reproue and chastice the misrewlers and mysdoers in the forsaid toune, as lawe and reason wolle, by my power. The

Maintain good customs.

fraunchisez and free custumes whiche beth gode in the saide toune I shall meyntene, and all euell custumes and wronges I shall put awey and anyntese, be my power. I shall kepe, meyntene, and defende, the Wydowes and Orphans of this forseide toune

Serve well as Escheator.

sauely in hir rights, be my power. I shall well and truly serue the king in the office of the Eschetour in þ shire of Bristowe. And I shall do the kinges profite in all thingez that longith to

Save the rights of the Crown.

me to be done, bi my konnyng and my power. And I shall trewly kepe his rightes which that longeth to the Crowne. I shall not assent to destry ner do no counselement of the kynges rightes, nor of his fraunchises. And where I may know the kynges rights of his Crowne, be it in landes, be it in rentes, or

* The words between brackets are added in the margin in the original.

in fraunchises, or in sutez conceled or withdrawe, I shall do my trew peyn to repele and reforme it, and, yf I may not do it, I shall say it to the kyng or to them, that beth of his counseil, which I shall be in certeyn* shall sey it to the kyng. I shall trewly, and with right, trete the people of my bailly, and do every man right, as wel to the poer as to the riche, in that that longeth to me to do. And nouther for yhifte, nor for loue, affeccion, promesse, nor for hate, I shall do no man wronge, nor destourbe no mannes right. I shall take no thing wherthurgh the kyng may lese or the kynges right may be destourbed. I shall take myne enquestis in open places, and not in prevy place, and that by endenture after the purport of the Statute made of Eschetours. I shall do my entier payne and diligence to put awey, cesse, and destruye, all maner heresies and errours, clepid openly lolladries, within my bailly, from tyme to tyme, with all my power. And I shall be assistent to the Ordinaryes and her commissariez of holy chirche, and fauor them and mayntene them, atte alle tymes, in all rightfull causes, when I shall be therto required by the same Ordinaries or be her Comissaries. Also, I shall be helping, supportyng, and fauoringe, to the Prioure and his brethern, the prestis of the hous of the Kalenders of Bristowe, in all thingez that I may lawfully and honestly do of right, as her verray patron, to the confirmacion and defence of the rentez, londez, and tenementez of the same hous; sauing euery mannes right. Also I shall holde, kepe, and meyntene all laudable ordinaunczez, whiche hath be made and used afore this tyme be my predecessours, Maires, Aldermen, Sherifs, and the commen counseille of this toune, vnreuokid and vnrepelid; and alle that shalle be made after this tyme, be my pouer welle and trewly, vn to the tyme that they be reuokid and repelid by the Maire, Aldermen, and Sherifs, and commen counceille of this same toune which shall be for the tyme. And I shall do euery man right, as well to the poer as to the riche. And all othir thinges that longith and perteyneth, as well to thoffice of the

Do justice to the poor as well as to the rich.

Be not bribed.

Take inquests openly.

Put down Lollardry.

Help holy church in rightful causes.

Support the Gild of the Kalendars.

Keep good ordinances.

* One or two of the words in this line are inserted, and others are erased.

Maire, as of the Eschetour, trewly do, [as nyghe as God wol ı give me grace*]. So God me helpe atte halydome, [and by this boke*]." And so to kysse the boke. &c.

The induction of the new Mayor to his office.

8. And after this done, the olde Maire to deliuer vnto the new maire the kynges Swerde, and his hatte, and the casket with the seale of office, the seale of the Statute of the Staple, the seale of the Statute merchant, with other autentike seales encluded in the same. And then the both maires to chaunge their places, then to avoid the halle. And all the hole company to bring home the new Maire to his place, with trompetts and clareners, in as joyful, honourable, and solempne wise as can be devised; and there to leve the new Maire, and then to bring home the olde Maire. [It is ordered at Common Counsell that the new Mayor tenne the old Mayor at his owne house and goe home with the sword before him afterward.†]

Procession home in state.

The dinners of the Mayors, and the procession to church afterwards.

9. Item, it hath be usid on the seide Michelmasse day, the moste parte of the Counseill for to dyne with the both maires, that is to sey, a grete parte of theym with the new Maire, and a parte with the olde Maire; in especial all officers to dyne with the olde maire. And after they haue dyned, to assemble all the hole Counseille at the High Crosse, and fro thens the new maire and the olde maire, with alle the hole company, to walke honourably to Seint Mighels churche, and there to offre. And then to retorne to the new Maires hous, there to take cakebrede and wyne. And then, euery man taking his leeve of the Maire, and to retray home to their evensong.

Next day, the officers of the corporation are to take their oaths.

10. Item, it hath be usid, that on the morowe upon Michelmas day, the new Maire, the Shiref, and certeyn of their brethern, to resorte unto the Counter, and there to call afore theym the Baillyfs, Touneclerk, Styward, and all the Sergeauntȝ of Bristow, with all the porters of the yatȝ of the same Toune; and so fro the seide Counter to go to the Yeldehall, there to take their othes after the maner and forme conteyned in the rede boke, of olde tyme by the common counseill of Bristowe made,

* The words between brackets have been inserted.

† This is added in the margin in a much later hand.

ordeigned, and to be kept for euer. And therevpon forthwith one of the Baillifs, by the maires commaundement, to go kepe the markett court.

11. Item, it hathe be vsid, on the thirde day after Michelmasse day, after alle suche othes geven to the forseid officers, that then the seide Maier to call to hym the most worshipfull of his brethern of the Counseill, to go with hym to the yeldehall, there openly to be redde the Shirefs commyssion, the dedimus potestatem, the wryt of attendaunce; and therupon the Shiref to take his othe, after the forme and effect of a Cedule sende fro our Soueraigne lorde the kyng, enclosid within the seid dedimus potestatem, if so be that it be then y-come. The Sheriff takes his oath upon his Commission.

12. And the same tyme, in semblable wise, there to be redde the Maires Commission of the Staple, with the dedimus potestatem, and vpon the same the Maire there to take his othe, after the ffourme and effect of a Cedule enclosid withyn the seide dedimus potestatem yf it be then y-come. And the ij conestables like wise. The Mayor to take his oath upon the Commission of the Staple.

13. Item, it hath be vsid, that the Maire the same daie shall kall byfore hym all his Sergeauntes, and to make theym bryng yn their suertees to be bounde with theym vnto the seide maire, euery of them in their seueral obligacion, of x.*li.* or xx marcs of their good abering and trewe executing of their offices during that yere, as wele in the Staple court as othirwyse, for to make due levey, and truly pay and content almaner of ffynes, issues, mercementes, condempnaciones, and executiones, at eny tyme had and recovered in the seide Maires Court, vnto the seide Maire and to such persones as the seide recovrees belongeth to of right. How the Mayor's and Sheriffs' serjeants yearly shall be bound.

14. And in semblable wise, the same tyme, to kall byfore theym the Shirefs' Sergeaunts, and to be bounde in lyke wyse vnto the Baillyfes, for the yer folowyng.

15. Item, it hath be vsed, on the iiijth daie aftir Mighelmas, the seide newe Maire to let sommen all the chauntry preestis whos composicions are enrolled in the rede boke; that is to seie, Everard le ffrenshe his preestis, Richard Spicer his prestis, John Spicers preest, John Stokes prest, Water fframpton is The chantry priests yearly to take oath to keep their compositions.

prest, Edmond Blanketts preste, Thomas Halleweyes preeste, John Burtons prest, William Canynges preestes, John Shipwardes preste, and Thomas Rowley is preste, to com before the Maire to the Counter, there to take their othes, truly to obserue their seide composicions; and theire seide othes to be made vnder this forme, that is to seie, euery of them to ley his lyfte hand on the boke, and his righte hande on his breste, makyng his othe per sancta euangelia and per verba sacerdotia.

The masters of the crafts of the town are to be chosen on the fourth day after Michaelmas;

16. Item, it hath be vsid, the said iiijth day after Michelmas daie, and fro thens forthe, the seide Maire to let somon all the maisters of the Bakers, Bruers, Bochers, and of all other craftes of the Towne, to come byfore hym, and then to go and assemble them att their halles and places accustumed, to thelleccion of their maisters for the yer folowyng; and therupon to bryng theire seide maisters and present them before the Maire, þere to take their othes in the maires presence, after the form conteyned in the Rede boke. And therupon the seide maire to commaunde, and see to be doon, that euery of his Sergeauntes duly therafter bryng before hym, of every warde of Bristow, as many gode and wele disposid personeȝ to be sworе constables for the yer folowyng, as every warde will of right aske, and require, by the discrecion of the saide maire.

and are then to take oath before the Mayor.

As many constables to be chosen as the wards of the town require.

The usual proclamations as to victuallers, &c. to be made.

17. Item, it hath be vsid in the seide toune, that the Satirday next after the markett court done, the Maire to do to be proclaymed, all the articles of the commen proclamacions of all vitaillers, and othir thyngeȝ, of olde tymes ordeigned, by the common counseill of Bristowe, to be proclaimed within the same toune. And therupon the seide Maire to procede to all his courtes, of almaner accions personely bifore the Maire and Shiref, or bifore the Bailyfs for the tyme beyng to be holde. And therupon to sett and proclayme the daies of Assise and pleas of land, vndre this forme, that almaner of pleyntifs and defendaunts, demaundants and tenaunts, that haue a do before the Maire and the Shiref of Bristowe, or the Maire and Baillyfs of Bristow, in eny assise or in eny othir plee of lande, that they keep their daie in the Guyldehall of Bristowe.

The Mayor to hold his courts, and to fix and proclaim the days of assise and pleas of land.

18. Item, it hath be vsid, that within a moneth aftir Mighelmas-day, the Maire, Shiref, and Baillyfs of Bristowe, to holde their lawe day in the Guyldehall, by the Toune clerk of the same Towne, there to call, furst the hole counseill of Bristowe, Withoute eny mercementez, and after that to call all free holders and commen sewters, vpon peyne of their mercementez, and then to call the constables of euery warde. And so to procede to his enquests. And when the seide Toune clerk hath engroced his lawe daye, then within vij or viij daies vpon that, the seide Maire, Shiref, and Baillyfs, to holde their fferyng day, and therupon the seide Toune clerk to make vp his Stretys vnto the Baillifs, keping a Registre of the same to remayn with the Maire, as of olde tyme it hath be vsid and accustumed.

The manner of holding the Law-day, or View of frankpledge.

Seven or eight days after, the affering day [for setting the amercements] to be held (see before, p. 395).

The estreats to be made up for the bailiffs, and a register kept.

19. Item, hit hath be vsed, vpon All Halowen day the Maire and the Shiref of Bristowe, after dyner, to assemble with all the hole counseill, at the Tolsey, with many othir gentils and worshipfull comeners, such as apperith there at that tyme, and fro thens to go in to All Hallowen chirch, there to offre, and fro thens to walke, all in fere, vnto the Maires place, there to haue their ffyres and their drynkyngs with spiced Cakebrede, and sondry wynes; the cuppes merilly seruyng aboute the hous: and then fro thens euery man departing vnto his parish chirch to evensong.

Upon All Saints' day (1 November), the Mayor, sheriff, council, and others go to church, and afterwards walk, all in company, to the Mayor's house to make merry.

20. Item, the morowe vpon All sowlen day, the Maire is vsid to walk to Redclyff, and the Toune clerk with him; there to sitte in Audite vpon William Canynges ij chauntryes, and the Vicorye and the Propters with them. And aftir the seide Audyte is fynesshid, the Towne clerk to entre thaccompte of the same in a boke there, callid Canynges liger, and there the Maire to receyve 1 noble, the toune clerk xx.*d.*, the swerdberer viij.*d.*, and the four Sergeauntez of the Maire xvi.*d.*

The audit of Canynges' chantries to be made on All Souls' Day (2 November).

21. And fro that day fforth, the Maire, Shiref, and othir officers to go and kepe the generall Obites, holden in the said Toune, as wele in winter as in somer, and to receyve their ffees at the seide Obytes, as is notid here folowyng in this present Boke, all the seide Obitez and the ffees and rewardes of the same.

The general obits to be kept.

22. Item, on Seynt Clementez even, the Maire, Shiref, and

Evensong and

mass at St. Clement's chapel (23 November).

their brethern, haue vsid to walke to Seynt Clementis chapell within the Berthēus: there to hire their evensong, and on the morowe their masse, and to offre there.

Evensong at St. Katherine's chapel.

23. And on Seynt Kateryns even, in semblable wyse, the saide Maire and Shiref and their brethern to walke to Seynt Kateryns Chapell within Temple church, there to hire theire evensong; and from evesong to walke vnto the Kateryn halle, theire to be worshipfully receiued of the wardeyns and brethern of the same; and in the halle there to have theire fires, and their drynkyngs, with Spysid Cakebrede, and sondry wynes; the cuppes merelly filled aboute the hous. And then to depart, euery man home; the Maire, Shiref, and the worshipfull men redy to receyue at their dores Seynt Kateryns players, making them to drynk at theire dores, and rewardyng theym for theire playes. And on the morowe Seynt Kateryns day the Maire, Shiref, and theire brethern, to be at the Temple churche, and fro thens to walke with the procession aboute the Towne, and retorne to the seide Temple churche, there to hire masse, and offre. And then euery man retray home.

St. Katherine's players.

Procession and mass on St. Katherine's day (25 November).

Evensong at St. Nicholas' church.

24. Item, on Seynt Nicholas Eve, yn semblable wyse, the Maire, and Shiref, and their brethern to walke to Seynt Nicholas churche, there to hire theire eve-song: and on the morowe to hire theire masse, and offre, and hire the bishop's sermon, and have his blissyng; and after dyner, the seide Maire, Shiref, and theire brethern, to assemble at the maire3 counter, there waytyng the Bishoppes comming; pleyeng the meane whiles at Dyce, the towne clerke to fynde theym Dyce, and to have 1*d.* of every Raphill; and when the Bishope is come thedir, his chapell there to synge, and the bishope to geve them his blissyng, and then he and all his chapell to be serued there with brede and wyne. And so departe the Maire, Shiref, and theire brethern, to hire the bishopes evesonge at Seynt Nicholas chirch forseid.

On St. Nicholas' day (6 December), all join in the festival of the Boy-bishop.

While waiting they play at dice, giving the clerk a penny for every raffle.

The next day the ray liveries are delivered to the officers of the city.

25. Item, the morowe vpon Seynt Nicholas day hit hath be vsid the Baillifes of Bristowe to make deliuree of the Towne ray lyvereies vnto all thofficers of the same, in maner and forme folowyng; that is to sey, to the Toune clerk,

xlij^{s} rayes, and as moche pleyne clothe accordyng; and to his clerk, xxxij. rayes, and the playne cloth accordyng. To the Steward, xlij. rayes, and as moche pleyne clothe acordyng; and to his clerk, xxxij. rayes, and the pleyne clothe accordyng. To the Towne Attorney, xlij. rayes, and as moche pleyne clothe accordyng. To the Swerdeberer, xlij. rayes, and asmoche pleyn clothe accordyng. To euery of the Maires Sergeauntez, and of the Shirefis Sergeauntez, xxxvj. rayes, and the pleyne clothe accordyng.

26. The Paiementes by the Baillyfes of Bristowe yerly to be paide, to the Maire, Shiref, Recorder, and othir officers, ayenst Christmas. All to be paide, except the Pencions to be paide quarterly.

Yearly payments by the bailiffs to the city officers, about Christmas time.

Inprimis to the Maire, xii. yerdes of Skarlet, price	viij.*li.*	To the Mayor.
Item for his ffurre	x. marcs.	
Item for his wyne	v. marcs.	
Item for his pencion	xx.*li.*	
Item for his mynstralles	v. marcs.	
Item at Seint Georges ffest	ij. torches.	
Summa xlj.*li.* vj.*s.* viij.*d.*		
Item to the Shiref, x. yerdez Skarlat, price	vj.*li.* xiij.*s.* iiij.*d.*	To the Sheriff.
Item for his furre	v.*li.*	
Item at Seynt Georgeȝ fest	ij. torches.	
Summa xj.*li.* xiij.*s.* iiij.*d.*		
Item to the Recorder, x. yerdes skarlat, price	vj.*li.* xiij.*s.* iiij.*d.*	To the Recorder.
Item for his pencion	x.*li.*	
Item for his furre	iij.*li.*	
Summa xix.*li.* xiij.*s.* iiij.*d.*		
Item to the Towne Clerke for his pencion	iiij.*li.*	To the Town Clerk.
Item for his furre	vj.*s.* viij.*d.*	
Item for his parchemyn, wax, and wyne	xx.*s.*	
Summa v.*li.* vj.*s.* viij.*d.*		

To the Steward.

Item to the Stewarde for his pencion. . . . . liij.*s.* iiij.*d.*
Item for his furre. . . . . vj.*s.* viij.*d.*
Item for his paper and parchment. . . . . vj.*s.* viij.*d.*
Item for his wyne . . . . . ij.*s.* viij.*d.*
Summa iij.*li.* ix.*s.* iiij.*d.*

To the Town Attorney.

Item to the Towne Attorney for his pencion. . . . . iij.*li.*
Item for his ffurre . . . . . vj.*s.* viij.*d.*
Summa iij.*li.* vj.*s.* viij.*d.*

To the Sword-bearer.

Item to the Swerdberer for his pencion . . iij.*li.*
Item for his ffurre . . . . . vj.*s.* viij.*d.*
Summa iij.*li.* vj.*s.* viij.*d.*

To the priest of St. George.

Item to the preest of Seint George for his pencion . . . . . viij. marcs.
Item for his gowne and a hode . . . . . iiij. yerdes brode clothe.
Summa v.*li.* vj.*s.* viij.*d.*

The Mayor must overlook the Bakers, and regulate the assise of bread.

27. Item, hit hath be vsid, the Maire of Bristow anon after mighelmas, to do calle byfore hym in the yelde hall, or counseill hous, all the Bakers of Bristowe, there to vndirstand whate stuff they haue of whete. And after, whate sise they shall bake, and to assist and counseil theym in theire byeng and barganyng with the Bagers, such as bryngeth whete to towne, as wele in trowys, as otherwyse, by lande and by watir, in kepyng downe of the market. And that the Bakers lak no stuffe, in especiall ayenst the fest of Christmas, and at suche tymes as many straungers resortith to the towne. And the Maire, dyuers tymes to ouersee the weyeng of brede, at such seasons as he thynketh necessary and requisite, aftir his discrecion, or vpon compleyntes made vnto hym for the same. And that the Bakers enhaunce not their sises above vj.*d.* at ones, according to the statute, &c. And whate Baker that brekith the sise, to be punysshed, aftir the constitucion of the Towne, as apperith here folowyng in this present boke.

28. Item, hit hath be vsid, in semblable wyse, the seid Maire anon aftir Mighelmas, to do calle byfore hym in the seide Counseill hous, all the Brewers of Bristowe; and yf the case require that Malt be skant and dere, then to commen there with the housholders of Brewers vpon a wise prouision to be made for the reformacion of the same, and to bryng malte to a lower price, and that such price as shall be there sette by the maier vpon malte, that no brewer breke it, upon payne of xl.*s.*, forfeitable to the chambre of the Toune. And the shyftyng daies of the woke, specially the Wensdaies and Satirdaies, the Maire hath be vsid to walke in the morenynges to the Brewers howses, to oversee theym in seruyng of theire ale to the pouere commens of the toune, and that they have theire trewe mesurez; and his Alekonner with hym, to taste and vndirstand that the ale be gode, able, and sety, keping their sise, or to be punysshed for the same, aftir the constitucion of the Toune, as apperith folowyng in this present boke.

The Mayor must overlook the Brewers, and regulate the price of malt.

Ale for the poor, and true measure.

The Ale-conner to taste whether the ale is strong and fit for drinking.

29. Item, it hath be vsid, the maire this quarter specially to oversee the sale of wodde commyng to the bakke, and to the key, and to sett price vpon the same by his wyse discrecion; and that no wodde there be solde vntil the price be sett vpon it by the saide maire, ne none to be deliuered there byfore ne aftir a certein houre by the seide Maire lymitted. And that all grete wodde, callid Berkley wodde, be dischargid at the key beyond the Towre there, and all smalwodde to be dischargid at the Bak. Prouydid alweys that the woddesillers leve not the bak all destitute and bare of wodde, ne soffir not the halyers to hale it all awey, but that they leve resonable stuff upon the bak fro spryng to spryng, to serue the pouere people of penyworthes and halfpeny worthez in the neep sesons, vpon peyn of punysshyng, as wele the seid woddesillers, as the seid halyers, by the discrecion of the seid maire.

This winter quarter the Mayor must look after the sale of fuel on the quay and at the Back.

The wood-merchants must not allow the porters to carry it all away, so that the poor may be served.

30. Item, that all maner of colyers that bryngeth colys to towne for to sille, smale or grete, that they bryng their sakkes of juste mesure, according to the standard, for the which the maire is vsed this quarter to commaunde the standard mesurez to be sett

The standard measures for coals to be set up this quarter.

in diuers places of this Toune, as at the High Crosse, the Brigge corner, and Stallage Crosse, so that every sak be tryed and provid to be and holde a carnok; and the ij. sakkes to holde a quarter, whatsoevir the price be, vpon peyne of brennyng of the sakkes and parte of the colys, and a parte to be distributed to pore folkes of the Almes howses.

The Mayor and Sheriff hold a court every week-day,

31. Item, it hath be vsid, the Maire and Shiref of Bristowe to kepe theire due residence at the Counter euery fferyall day, aswele byfore none as afternone, except the Saterdaies afternone and othir festyual evis afternone, and to be there at viij. at the clok and sitte untill xj., and atte ij. afternone, sittyng untill v., for to hyre compleyntes and varyaunces betwene parties and parties, and to discerne and determyn the same after theire discrecion, and, by thaduyce of theire brethern there beyng with them, to sett parties in rest and ease by theire advertysement, compromesse, or otherwise; ynless then it so requyre that they must remit theym to the lawe, as they can be aduysed by the Recorder if he be present, or by the Town clerk in his absence; which Audience kepyng by the Maire and Shiref in the saide Counter, is the grettyst preseruacion of peas and gode rule to be hadde within the toune and shire of Bristowe that can be ymagened, for yf it wer anywhiles discontynewid, there wolde right sone growe grete inconvenyence amongst thenhabitauntes of the same, which God forbede.

to hear causes and to settle differences;

and this is the best preserver of peace that can be imagined.

The Mayor and Sheriff must hear their Advent sermons,

32. Item, the Maire and Shiref of Bristowe shall, by vsage this quarter and ceason byfore Christmas, kepe theire Aduent sermondes; that is to sey the furst sonday of Aduent, which fallith alweies the sonday next after Seynt Lyues day the bisshop in Nouembre, at which furst sonday the seide Maire and Shiref, with theire brethern, shall walke to the ffrere Prechours, and there hyre theire Sermonde. And the next Sonday therupon, they shall hire sermonde at the ffrere menors, and the thirde Sonday at the ffrere Prechours. And the fourthe and laste Sonday of Aduent at the frere menors. And there to make an end of Aduent Sermondes.

Proclamation to

33. Item, the Maire of Bristowe shal, by vsage this quarter

the next markett day byfore Christmas daie, or ellis on Christmas eve, do make open proclamacion for gode rule and governaunce to be hadde and kept within the saide town, duryng the holy dayes, under this maner of fforme:— be made at Christmas, for peace during the holidays and the reign of the Lord of Misrule.

34. "The Maire and the Shiref chargen and commanden, on the kyng our souuerain lordis behalf, that no maner of personne, of whate degree or condicion that they be of, at no tyme this Christmas goo a mommyng with cloce visaged, nor go aftir curfew rong at St. Nicholas, withoute lighte in theire handes, that is to sey skonce light, lantern light, candel light, or torche light; and that they goo in no wyse with wepyn defenssibly araied, wherbye the kinges peas may in eny maner wise be broken or hurt, and that vpon peyn of prysonment, and makyng ffyne and raunson to the kyng."* Go not a mumming with masks. After curfew go not without lights, nor armed with weapons.

35. Item, an other proclamacion for conseruacion of the kynges peace,—ordeigned, stablisshed, and enacted by the commen Counseile of Bristowe, to be proclamed at all such tyme as the maire and the Shiref for the tyme beeng shall thinke it necessarie; in especial ayenst gode tydes and feestys, as Christmas,—is to be proclaimed in this wyse:— A general proclamation for peace.

36. "The Maire and the Shiref chargen and commaunden, on the kyng our souverain lordes behalf, that no maner of persone or persones go nor walke within this town of Bristowe, with no Glaythes, speerys, longe swerdys, longe daggers, custils, nother Bazelardes, by nyght nor by day, whereby the kinges peace in any maner wyse may be trobbelid, broken, or offendid, but the personnes that bith officers and othir that commen ridyng into the towne, or goyng oute of the Towne; and that We charge you go not armed within the town by night nor by day.

* This proclamation seems to have been directed against the abuse of the popular sports which obtained during the festivities of Christmas. The Lord of Misrule, "beginning his rule at All-hallow eve, continued the same till the morrow after the Feast of the Purification, commonly called Candlemas Day, in which space there were fine and subtle disguisings, masks, and mummeries" (Strype's Stow's Survey, Bk. i. p. 252); and mumming with visors, "cloce visaged," was especially a Christmas custom; sometimes turned to evil purposes. See Brand's Pop. Antiquities, i. p. 356. [L.T.S.]

vppon peyn of fforfeiture of thaire weepyns, and theire bodyes to prison. To the accomplysshment of the whiche premysses, the Maire, Shiref, and commen counseile of Bristowe forseid, chargen and commaunden all maner burgeyses of this Towne of Bristowe, on the kyng our soueraigne lord is behalfe, to be aydyng, helpyng, supportyng, menteyning, and ffavouryng, to the execution of the same, and that vppon peyn that may or woll befall thereuppon."

All burgesses must aid in keeping the peace.

GENERAL NOTE.

BRISTOL, long only second to London in the kingdom, is, it is well known, rich in historical records and city muniments, parts of which have at times found their way into the hands of some who have appreciated their public value. She was remarkable in having among her Gilds one devoted to keeping "the ancient recordes and mynaments, not only of the towne, but also of other societies in other remote places of the kingdome;" whose history, could it be written, would be one of the most curious in England; the unhappy burning of whose library, in A.D. 1466, is recorded before, p. 287. (See also Dallaway's Antiquities of Bristow, p. 35, *note*). There seems a note-worthy fitness of things in the circumstance that Robert Ricart (or, as some call him, Ricaut), the Town Clerk who wrote this most interesting record here printed, which adds another instance of the working of the Gilds with corporate bodies in towns, should have been himself a member of the ancient brotherhood of the Kalendars of Bristol. This fact is mentioned of him by nearly all the histories, upon what authority is not stated, but the inference seems that he so speaks of himself in some of his writings. (See Pryce, p. 619; Rogers' Calendars of Al Hallowen, Brystowe, p. 165; and others.)

Since the first two Parts of this volume passed through the press, under my father's eye, I have been enabled, owing to special circumstances and the courtesy of several gentlemen in Bristol, to examine the original work from which Mr. Pocock's MS. was taken, and to make a careful collation of this print. To those gentlemen, among whom I may mention the Town Clerk of Bristol, my best thanks are due for the facilities they afforded me herein, by which means I have been able, happily, to render this portion of the work more complete than was otherwise possible.

In Mr. Pocock's MS., an extract from the beginning of Ricart's Chronicle states that "the Mayor Spencer, 18 Edw. IV. [A.D. 1479], commaunded me, Rob. Ricart, the same yere electid and admitted into the office of Town Clerk of the said worshipfull towne, for to deuise, ordaigne, and make this present boke for a remembratif evir hereaftir, to be called and named the Maire of Bristowe is Register, or ellis the Maire is Kalender." (This, in the original, continues as follows)—"In the which boke is and shalbe enregistred a grete parte of the auncient vsages and laudable custumes of the saide worshipfull towne, tyme oute of mynde vsed and exercised in the same; which boke in substance shal rest vpon vj principall matiers." The subjects of these six "principal matters" or Parts is then set forth at some length, the design of the book apparently being to give a history and descriptive account of the city. What is here printed is the fourth of these Parts, four pages only having been left out, some of which are cancelled, and seem to be in a different writing. It is stated by Barrett that besides this Register Ricart was the author of "many curious notices we have in the two red books, the book of wills, orphans, &c." (Hist. of Bristol, p. 456). See also Corry and Evans' Hist. of Bristol, vol. ii. p. 285, to the same effect. One of these "red books" is referred to in Ordinances 10, 15, and 16 (before, pp. 416, 419). The "little Red book" I have seen, and one among the many points of interest connected with it is, that an inscription on parchment, on the outside of the volume, bears the veritable signature of Ricart himself.

Seyer, in his "Memoirs Historical and Topographical of Bristol," thus describes the "Maire is Kalender." "It is a thick folio, in good preservation, well written, partly on vellum, and partly on paper, ornamented with rude portraits of the kings and several other paintings of the same kind. . . . About the beginning of Henry VII.'s reign the handwriting changes, and the chronicle is continued by different persons nearly to the present time." (Pref., pp. xi. xii.) The part containing the "Office of the Mayor," is also adorned with a very curious painting on vellum representing the ceremony of installation. The paragraphs are not numbered in the original, but figures are here inserted for the sake of convenience; and for the same reason the few side-notes there occurring are here omitted.

Ricart's Kalendar, or even this portion of it, has never before been printed. Seyer and Barrett quote short passages; other authors only allude to it; but Evans, in his compendious little work, under the date 1503, when he says Ricart ceased to be Town Clerk, gives the best account of any in a short abstract of the "Office" (Chronological Outline of History of Bristol, p. 127). Barrett (p. 121), followed by Mr. Lucas in his "Secularia" (p. 115), quotes a part of a speech made by the Mayor on going out of office (apparently another

version of that given before on p. 415), but without giving any authority for the quotation.

There can be no doubt that Ricart, writing down these Articles or Ordinances touching the officers and government of the town "for a remembratif evir hereaftir," and exhorting his fellow-officers to study them (see before, p. 413), copied them from some older and well-known laws, as indeed is shown by several of the Ordinances themselves (10, 15), and by the phrase used at the beginning of many of them, "hit hath be usid." They form no exception in this respect to the other examples of ordinances given in this volume. It may be remarked that Ricart actually has written them down in the order of the Calendar according to the modern sense of the word, beginning with 1st September and ending at Christmas.

Incomplete as this body of Ordinances is, many of them contain provisions as to matters concerning the general welfare and good municipal government parallel to those of Berwick, Winchester, and Worcester; ordinances of which the best example hitherto published is found in the Liber Albus of London. But the most important point as regards the subject of the present volume is, that these ordinances show the amicable connection of the Craft Gilds with the corporate body of the city, the Mayor evidently having possessed a ministerial function in confirming the election of the masters of the crafts (see Ord. 16), similar to that which he exercised as to the ordinances of the Gild of Fullers (see before, p. 286). The famous Gild of Kalendars held a high and honourable place in the good graces of the city (see before, pp. 287, 417), and the relation of the officers of the corporation with other crafts appears to have been of much the same sort as it was in Worcester (Ordinances 27, 28). The crafts also appear to have attended the Mayor and other officers on vigils, as they did in Worcester (before, p. 408), and to have found it thirsty work, for Barrett (p. 125) cites from "the great White Book" that "20th May, 28 Hen. VI., it was ordained by Wm. Canynges, Mayor, and the Common Council, that the drinking at St. John's and St. Peter's nights should be wholly to persons of crafts, going the nights before the Mayor, Sheriff, and other notable persons; and that the Mayor and Sheriff on forfeiture of five marks a-piece, the one at St. John's night, the other at St. Peter's, should dispense wine to be disposed of to the said crafts at their halls: viz. to the weavers and tuckers each 10 gallons," enumerating 26 crafts, who were to have 94 gallons of wine among them. The "Canynges" here named was the celebrated William Canynges, the merchant of Bristol, four times her Mayor, and her benefactor in many ways; also the munificent restorer of Redcliff church, where he founded two chantries (see before, pp. 416, 421).

Like Worcester, Bristol also had a Gild Merchant, for according to

Barrett "it appears by the great Red Book of Bristol, p. 30, that the Mayor, bailiffs, and commonalty had a free guild of merchants in the town and suburb from time beyond the memory of man, and all things belonging to a guild" (p. 179). What further discoveries this "great Red Book" has to disclose must however await a future time.

The lover of old English manners and customs will find in Ricart's quaint descriptions of ceremonies and of what we are accustomed to call "sports," but which were evidently matters of seriousness, much to gratify his curiosity and study. Much light is thrown upon Ordinances 18 to 22, and 30 to 32, by passages too long to quote here, in Strutt's "Sports and Pastimes," pp. 339, 346; and Brand's "Popular Antiquities," vol. i. pp. 308, 321–336.

[L. T. S.]

IV.

THE COSTOMARY OF TETTENHALL REGIS.*

This copy was made 22 July, 1604.

A Trew coppy of the Costomary of the mannor of Tettenhall regis, coppied out of one taken out of the Originall, the 22d of July 1604.

The tenantschoose a Bailiff, yearly, who must be neither a parson nor a smith.

1. Imprimis, the tenants do say: that A bayliffe must be Chosen by his neighbars, from yeare to yeare, of the best and Ablest men of the manner: and besid they saye, no Clarke nor Smith shall be baylyfe to searve.

A certain heriot is due to the lord upon the death of a tenant.

2. Item, they saye, whosoever of the mannor dye, the lord shall haue his best oxe or cowe, and all his masculen horses: of thre swine, he shall haue one; and of fiue, one; and of tenn, twoe; and no more if he haue an hundred: and so of bees and such other.

Another custom as to heriots.

3. It: whosoever sitteth upon the ground of any man, and yeildeth to the lord a peny or haulf peny, or more or lesse, the lord shall haue an hariot of him as of another, and[1] the second, [2]meane lord the therd.

[1 *The church*, added in B.]

[2 *And he*, added in B.]

* As before stated (p. 348), two copies of the Customary were kindly placed in my father's hands. The text given here is that of the older of the two. This is written in the bad hand of the early part of the seventeenth century; in several instances the transcriber by a slip of the pen has missed out words or parts of words, thus making the sense very obscure. By means however of the later copy these omissions are able to be filled up, and doubtful readings be made clear, which I have done by inserting in the margin the added and corrected words, referring to this later copy as "B." This copy, while it is more complete, and spelled of course according to the more modern style, contains several variations from the older copy, which however consist chiefly of turns of expression not affecting the general tenour of the bye-laws. See further, Note at the end. [L. T. S.]

4. It: whosoever sitteth on the ground of another tenant, yeilding nothinge to the lord or the king, he y^t^ he houldeth of shall have the beast[1] beast for an hariot, and the lord the beast[1] after the Church, or foure pens if it be bequeved[2] him. Another custom as to heriots.

[1 *Best*, in B.]

[2 *Bequeathed*, in B.]

5. What stranger soever dye in the lordshipe, the lord shall have his beast[1] beast for an harriot, or horse if he haue any: and if he be an knowne man, the lord shall haue nothing, if his lord aske him. Heriot shall be given for a stranger.

6. It: every heire, after the death of his father, shall giue, for a releife of his land, so much as his father gaue of yearely rent, and his rent according to the Statute, and this called a dubbel the[3] rent. And if it be land of new parchase, giueing nothing to the lord, the heire shall make his fine wth the bayliffe to the best. The relief for land shall be as much as one year's rent. Where no rent is paid, the fine must be agreed upon.

[3 *The*, not in B.]

7. It: the[*y*] say, no man may bequeath his lands or ten^ent^ wch he hath to inheritance: but his own new purchase he may bequeath to whom he will. A man may not bequeath his inheritance, though he may his own purchase.

8. It: no season within the mannor is of force, unlesse it be in the full court, by the hand of the baliffe, and be giuen aganne by the bayly to him y^t^ hath the right. No seizin is of force, unless made in full court by the hand of the Bailiff.

9. Noe widdow shall pay the lord any harriot, unlesse she hould other lands then her dowry, or pay other rents to the lord. A widow shall not pay heriot for her dowry.

10. It: every widdow shall answare to the heire the third p^t^ of the rent, and all other things belonging to the ten^ent^ exept shute of courte. A widow is accountable to the heir for a third of the rent, but not for suit of court.

11. It: if a man purchase with-in the mannor any ten^ents^, the lord[4] have nothing of him but his rent onely, and after his death a hariot. Tenements purchased within the manor only involve rent and a heriot.

[4 *Shall*, added in B.]

11.* It: any tenant may sell or giue his tenem^ts^, without any harriot giueing to the lord, as well[5] of inheritance as of perchase, and keepe to hime selfe a parcell, and for that parcell he shall agree wth the lord for his years rent, and a-peare at court. Any tenant may sell or give a part of his tenements, without giving any heriot.

[5 *Lands*, added in B.]

* In "B" this Bye-law is numbered 12, and the rest follow consecutively, so that there appear 40 Bye-laws, the right number, at the end.

The lord's license must be had to marry a landed widow.

12. It: no strange man shall marry a widdow haueing land, to haue the freedom of the mannor, without lycense of the lord or his bayliffe.

Every heir shall have the best brass pot, &c.

13. It: every heire, after the death of his father, shall haue the beast brase pot, and[1] all other implements the best.

[1 *Of*, added in B.]

Widows shall have their dowries free.

14. It: every widdow shall have hir dowry, of all lands and tenements wch shee and her husband [*had*] together, wth stand and[2] warrants made, but the heire shall plegge hir which hath the deeds by the sight of his neighbors and to the valeu of the land lost.

[2 *Without any deed withstanding or*, in B, instead of "withstand and."]

A wife's property may be sold by her husband, but it must be with her will, and she must not be constrained.

15. It: if any whoman have lands or tenemts, after the desease of hir father, by inhiritance or purchase, or by gifte or by conditione, or for tearm of use,[3] or fee taule,[4] or by any other manner, hir husband, when shee is married, may sell all such lands and tenemts, soe that the woman come into the court, and there be examined by the bayliffe whether it be hir will or no, and that shee be not constryned; and then, that doone, yealding it up excludeth the woman and hir heire for ever.

[3 *Life*, in B.]
[4 *Tayle*, in B.]

Evil speakers shall be fined.

16. It: If any man or woman of the lordshipe shall call any man or woman whore[5], pay to the lord 2*s*., so that he shee or they so called come, with twoe honest men, and prove themselves good.

[5 *Or thiefe*, added in B.]

Amends shall be made for evil words not proved.

17. It: if any man or woman[6] call a wedded woman common strumpitt, and can not proue it, he shall giue to the lord xij.*d*. yeild, and make his neighbore amends for the trespasse, so that she come to the court as afforesayd.

[6 *Of the lordship*, added in B.]

If any one's beasts either injure or eat his neighbour's crops, he shall be amerced and make amends, on the sight of [a jury of] his neighbours.

18. It: if any man or marre or eate the corne or gras of his neighbors, wth his beasts either tyed or keept, he shall giue to the lord xij.*d*., and make his neighbors amends for the trespasse at the sight of his neighbors; and if he do againe, he shall giue the lord 2*s*., and make amends for the trespasse; and if he do [7]the third time, he shall giue the lord 6*s*. 4*d*.,[8] and allsoe 6*s*. 4*d*.[8] to his neighbors for the trespasse.

[7 *It*, added in B.]
[8 6*s*. 8*d*., in B.]

No one shall make gates and gaps in the common field against the common consent.

19. It: No man shall make yates or gapes in the common feild, upon the corne or grasse of his neighbors, but by the consent of [*the*] commonty; and if he do, he shall give to the lord 2*s*., and to the commonty of the towne 2*s*.

20. It: no man shall pasture the stubbell while the corne is upon the ground, under the paine of xij.*d.*, except it be upon his owne land. — The pasturage of stubble.

21. No man of owre toune shall enter upon the stubble of any other toune while the corne is upon the ground, exept it is upon his owne land, and by the good will of all his neighbors, under payne of iij.*s.* to the lord. — The pasturage of stubble in other towns [or parishes].

22. It: no man shall be amerced but by the taxing of his neighbours, and according to the trespasse. — Amercements shall be fairly made.

23. It: no man shall be merced for blood drawing, or beareing wepons, or for shute of court, or for exsisse[1] of ale brewing, but of iij.*d.*; and if the ale be read, and of evell savor and collour, then it must be taken into the bayliffes hand, and he shall be merced grevously by the taxing of his neighbors. — The amercements for certain offences, and for bad ale. [1 *Excise*, in B.]

24. All brewers in the like mannor shall charge the ale teaster to teast the ale before they sell it, or else they shall be amerced. — The ale-taster must taste all ale.

25. Every brewer shall giue the ale taster a gallon of the best ale when they brewe to sell. — He shall have a gallon of the best.

26. If any man finde himselfe agreved by the hedges of his neighbors not lawfully made, he shall take his neighbors; and so many gaps as they then finde, they present to the bayliffe at the next court; and for every gape, the lord shall haue a share or iij.*d.*, and allso make amends to him that hath the harme. — Gaps in the hedges shall be presented at the Court Leet.

27. Every man that hath sonnes, may set them to crafts without lisence of the lord; and he [shall] giue for every mariage of his dauter, with-in the mannor, xij.*d.*, and without the mannor 2*s.*, except he can get better favoure. — Custom as to setting out sons and marriage of daughters.

28. All the kings tenants may set there houses, rents, lands, or tenent, for the terme of xxx^ti^ years, with out lisence of the lord; but if it be for terme of life, it must be in full court, with lisence of a balife. — Leases for years and for life. *The latter* must be made in full Court.

29. If any man be lawfully seazed, in full court, of any tenement for wright,* one day and one night, he shall never be excluded — The force of lawful seizin.

* That is, by writ of right. [T. S.]

nor expullsed but by the kings writ, and tenants by the judgment of the kings tenants.

True presentments shall be made by the jury of the Court.

30. Item: the twelve men shall present all articels which they knowe to be trew; and if the stand in doubte of any, they shall have lisence untell the next[1] day, tell they are to present y^t day allso is first.*

[1 *Court*, added in B.]

Certain presentments shall not be made against a child.

31. No presentation of blood drawing or beareing wepons of a childe, shall be presented before hee be twelve years of age.

Presentments shall be repeated, if they are not remedied.

32. It: [*If*] any presentation be not amended, it shall be presented from yeare to yeare, untell it shall be amended, and allso amends made.

Inquests by the bailiff, or by a jury of twelve, must be taken before all the tenants.

33. It: if any Inquisition be made by the balife of the assise[2] for puration,[3] and the tenants be not wholy present, then the inquest must take no efect untill the tenants present answare to the doing wholy together. In like manner must be donne of twelve men. But if it bee taken by the kings writt, for lands or tenement, or by office, [*and*] the plantyffe and defendant be both present, and be contented to abide there sayyngs, then they must giue a virdict without any delaying.

[2 *Office*, in B.]

[3 *Procuration*, in B.]

Procedure as to writ of right.

34. It: if any man wryghtts† one of his neighbors for lands or tenements, boath shall have their delayes, and no detayneing of lands or tennements shall be made, but if it be for default of shewt of partyes: and he that is cast shall giue to the lord vi.*s.* viii.*d.*, except he that is cast can gett better favoure.

The winter and spring fields shall not be used for mares and cows during the summer and autumn.

36.‡ It: if any man do tey or keep any mare with a yonger[4] foale, in the winter feild, or lent feild, from the assention day untell the nativity of crist, he shall giue to the lord xij.*d.*, and to the commonty[4] of the court of the towne ij.*s.*, as often as he is taken: in the like manner of cowes and calvs.

[4 *Yonge*, in B.]

[5 *Commonalty*, in B.]

* This unintelligible sentence stands thus in "B,"—"and if they stand in doubt of any, they shall have license untill ye next Court day, and as well they are to present that day as the first day."

† That is, serves a writ of right. [T. S.] In "B" the phrase stands, "If any man takes a writ on his neighbour."

‡ In "B" the Bye-law 35, below, comes here in its proper numeral place. There seems no reason why the transposition was made in the older copy.

37. No widdow shall put any of[1] hir dowry from the heire, for[2] third sheafe, if the heire will giue as much as annother man will.

The heir shall have the refusal of the widow's share when on sale.

[1 *Away*, in B, instead of "any of."]

[2 *Nor the*, in B.]

38. If any man shall hould lands or tēnements of the meane lord, and he that houldeth it be willing to sell those lands or tenements, in p^t^ or whole, the meane lord shall haue it for his monny before any other.

The middle lord shall have the refusal, on the sale of property held under him.

39. All ould tenants shall haue, severall, all the yeare, a croft and a medow, or a place of medow ground, or more if he will: but the new tenant may not challenge any by costome, but [*only*] by sufferance of the ould tenants; but that they leaue to tine and keep so that his neigbor be harmelesse by the cattel; but if the[*y*] be hurt, he shall be greviosely amerced, and largely make amends to his neighbor for his trespasse.

Old tenants shall have separate common rights, and new ones shall have them on sufferance.

35.[3] Item, there is a certayne wood in brewood[4] Kingswood, of gift of King Johu, sometime Kinge of England; wicth sayd wood[5] he gaue to his tenants of Tettenhall, in helpeing and easeing the ould rent of his tenants. In helping and easeing the ould rent, every man hime selfe [gave] in xxxiij.*s.*, as well for the sale as the waste. And they did apoynt four men of the mannor to keepe the wood, for the profitt of the tenants commodyty[6] of the mannor, and to deliver to the sayd tenants house boot and high boot,* as well of oke as of other wood: allso they haue ordayned a fforster, by comon cost, to keepe the sayd wood to the profitt of the tenants. The king nor his baylife shall have nothing of the wood, but only amercements of strangers, at the complaynt of the forster: and soe they have houlden the wood [many kings dayes].

King John gave to his tenants of Tettenhall a wood to ease their rent.

[3 (*sic.*)]

[4 *Ca ied*, added in B.]

[5 *Disforrested*, added in B.]

From this every man got 33*s.*

The tenants appoint four men to keep the wood, and to deliver the house-bote and hedge-bote, oak and otherwise.

[6 *Commodyty*, not in B.]

They also appoint a forester.

The king has nothing thence but amercements, and the wood has been held thus during many reigns.

[And† furthermore, in the time] of king Edward [the first

* That is, *house-bote* and *hay-bote* or *hedge-bote* (A. S. *hege*, hedge, and *bót*, aid, help, or advantage). These were the common rights of copyhold tenants, to take the necessary timber to repair houses and "stuff to make and amend hedges" from the land leased to them. See Coke upon Littleton, 41 *b*; Termes de la Ley, 195 *a*, 199 *b*. [L. T. S.]

† In the older copy of the Customary, from the top of the page upon which this paragraph was written a large corner has been torn away on the left hand. The words within brackets fill up, in "B," the space answering to the gap thus made in the mutilated Bye-law. [L. T. S.]

In the time of Edward I. two strangers had waste parts of the wood by leave of the tenants, who fixed their tenure.

surnamed long Shankes,] sonne of king [Henry the third, came one Oliver Leward, and, by licen]ce of the tenants, tooke ther[1] wast [places of the Wood; and because he was of a stra]nge blood, and not of the manor, [they ordained him to give to the Lord a cer]taine rent, and to be of the hould[ing as the tenants were. In like] mannor came one Hugh Wrottesley, and, by [leave of the tenants, tooke likewise three waste] places of the wood; and because he was of a [strange blood,] and not [of the mannour,] they appoynted him to giue to the lord a [certai]ne rent by the yeare, [and to] be of the[2] houlding as the tenants ware[3] altringe. And so they have ordayned and houlden, and do hould,[4] from the time of King John untell this day.

[1 *Three*, in B.]
[2 *Same*, added in B.]
[3 *In all things*, in B, instead of "altringe."]
[4 *The same wood*, added in B.]

GENERAL NOTE.

THE original of this Customary is not known to exist. The oldest copy known is the one given above, which, as is declared on its title, is of the date of 1604. Mr. Neve's later copy, from the same original, is written on paper which bears the water-mark of 1817, and as the differences in it go so far as to show that it cannot have been taken from this earlier copy, there must have been in existence, fifty years ago, either the original Customary itself or another duplicate of it. In Mr. Neve's MS. (in which the bye-laws are followed by a "true Rent Role" of the tenants) mention is made, at the end, of four separate copies, one of which is described as "more antient, subscribed by a jury of the tenants at a Court Leet;" the others were all made in 1604.

Whatever the actual age of this Customary may be, there is no doubt that it contains the bye-laws made by the tenants of the manor at their Leet or Law-day, from time to time; and is an important illustration of the exercise of the practice of making such laws for their own guidance formerly in active use in every neighbourhood all over the country. Winchester and Worcester have afforded other instances of the same ancient practice, differing from these in details in proportion as the corporation and the manor have grown up, different institutions, developed from the same original germ. And this leads to the reasons for the introduction in this volume of a document that at first sight might seem foreign to its subject-matter. Regrets are now unavailing that the note, full of research and intimate knowledge of the laws and principles upon which English society has rested for ages, which my Father intended here, was left unwritten. It must be enough to say

now, that he would have explained the methods in use from the earliest times, by which, when men met together in their different neighbourhoods —parishioners, villaners, citizens and others—they appointed some of their own number, sworn to the truth and their duty, to make the bye-laws to which all present should assent, and to inquire and see that those laws were kept; methods which, anciently having as a principal end the maintaining of the peace-pledge and the rights of property, continued to be kept up not only, in the words of Lord Coke, "for conservation of the king's peace, and punishment of common nusances," but that the tenants and resiants should have justice "done unto them at their own doores without any charge or losse of time" (4th Institute, p. 263; 2nd Institute, p. 71). How the spirit which guided them, though the forms might be changed, had ruled through these and like institutions, from the days when Domesday Book was given in as a true record of the finding of the juries of all the country; to the times when the Sheriffs sent in their returns of how men, on their own showing, demeaned themselves in their social, commercial, and other gatherings in Gilds; and again, when the Courts Leet and Courts Baron of the most insignificant parish or the most important city alike were discharging their duties to themselves and their neighbours; and how it was still the same English spirit of mutual responsibility and self-reliance: all this and more would have been clearly shown and have been illustrated by quotations from record and manuscript.

In the absence of this exposition, the following passages from a letter published by my Father in the *Birmingham Journal* of 4th May, 1867, will not be inappropriate here, while the subsequent quotations, suggestively given, will serve to carry on further the story that is told by the Customary of Tettenhall.

"There were in Birmingham, as elsewhere, two distinct Courts and sets of Records; namely, the Court Leet, with its records,—and the Court Baron, with its records. The distinction is important and significant. Every male inhabitant, of fit age, was bound to attend the Court Leet, and was liable to be fined if absent. At the Court Baron, only those were bound to attend who held land under the custom of the manor. Both were popular assemblies; and the study of the system of local self-government, which each of them worked very effectively, is one of the most interesting and instructive studies that any lover of free institutions can take up.

"But the Court Leet was a court chiefly of criminal procedure; while the Court Baron dealt with the rights of property, and the course of inheritance, and the different obligations that existed between the lord of the manor and the owners of land. Each Court had the power of making bye-laws; and these bye-laws were of the utmost importance to the welfare of every place. No lord of any manor could impose

bye-laws. These could only be made in the open Court; and it rested with the Court itself to declare what the customs of the manor were."

Tettenhall has given an instance of the embodiment of such customs into a standing "Customary." What next follow show them in use in other places, and give an instance of how they were declared.

The Court Rolls of Bushey in Hertfordshire, extending from the 15th of Henry VIII. to the 38th of Elizabeth (1523 to 1596), which fell into my Father's possession, are in a very perfect state. The records of the Court Leet and of the Court Baron are sewn up together, but though they often appear to have been held on the same day and are then recorded on the same strip of parchment, they are always kept entirely distinct. They are written in Latin, much contracted, as was usual in such documents. At the "View of Frankpledge with a Court" held on 27th July, in the 1st Edward VI. (1548), a jury of thirteen is sworn; they present upon their oaths that eleven named men owe suit to the View [that is, ought to have come to the court] and make default, each is therefore amerced. They present "that Humfrey Corston and John ffoxe are the common bakers of man's bread [in distinction to horse-bread, see before, p. 366] and have broken the assise;" also "that Thomas Ravensby, John Smythe, and Thomas Hamond are the common brewers of ale, and sell by unlawful measures [vasa];" also "that the common tipplers sell by measures not sealed," all which offenders are then amerced. On 16th April, in the 22nd Elizabeth (1580), we find the jury (sixteen men) ordering "that Thomas Atkines shall scour his ditch before the feast of the nativity of St. John the Baptist next, under pain of forfeiting to the lord, for every yard, iiij*d*;" four others are ordered to do the like: it is also ordered that "no one shall break the hedges," that two other men shall "remove their dunghills," and that "every one shall ring his swine before the said feast of Pentecost," all under penalties. At this Leet too were chosen, as usual, the officers for the year, constables, headboroughs [capitales plegii], and ale-tasters. At the Court Baron of 27th July, 1st Edward VI., the sworn men of the homage present that "Humfrey Conyngesby esquire, William Blakewell gentleman, Henry Goodyere gentleman, Robert Smythe, Dorothy Pavyor widow," and others owe suit to the court, and, making default, they are amerced. Among other presentments, the homage say that a "rent of ten shillings, arising from a certain mill called Watford Mylle," was not paid "on the death of William Davyd to the bailif of the manor;" that "Richard Scott, holding by custom of the lord, has died since the last court, who at the time of his death held of the lord for himself and his heirs, according to the custom of the manor," certain properties, and they declare what heriot is due, and who is the right successor, who is then admitted in full court. On the 28th June, 8th Elizabeth,

there was held a Court Baron, apparently the first after the succession of a new lord to the manor, when the property, and the tenure by which each was held of a long list of tenants, were declared. It is to be supposed that there was needed some reminder of the customs or bye-laws of the manor at this time, for at the next court, held 7th February, 9th Elizabeth (1566), after the usual business, there is entered on the Roll a document which is in fact a "Customary" of Bushey, the origin of which is thus stated :—"Whereas at the last court the homage were ordered, upon their oaths, to present at this next court held for the said manor what the customs of the said manor may be, upon certain articles then given in writing and in order by the steward of the manor; the homage have come, and present in writing as follows;* The Aunswere and verdytt of Walter Wythe, Robert Blackwell, [and nineteen others] custumary tenaunts of the mannor of Busshey in the countie of Hertf., to certayne artycles gyuen them in charge vpon ther othes to enquyer of by Andrewe Joyner gent., lorde of the sayde mannor, touching and concerning the customes of the seid Mannor of Busshey. *Imprimis*, to the fyrste artycle we saye that no copy holder at the tyme of his deathe dying seased of twoe coppyholds hath payde any more then one quycke herryott, by the tyme of our remembraunce or before, to our knowledge. *Item*, to the seconde we saye that the lorde oughte to haue the seconde best for hys herryott, and the heyer the beste. *Item*, to the thyrde we saye that no coppyholder that doeth surrender hys coppyholde oughte to paye any herryott vpon the surrender of hys coppyholde excepte yt be in extremis of deathe. *Item*, to the fourthe we saye that the lords of this mannor haue neuer demaunded, nor any coppyholder payde, any more for ther ffyne then one yeres rente of the lande. *Item*, to the fyfeth we saye that the wedowe after the deathe of her husbande shall haue the thyrde parte of the rente of the lande. But not the thyrde parte of the lande excepte yt be surrendred to her by her husbonde." The answer to the twelfth question lets us into a reason for making a new customary, "we knowe not where the courte rolles, rentalls, or customaryes of this mannor are remayning, or in whose custodye," though that the Rolls for a period of more than forty years previously were afterwards found is proved by their present entire existence. The replies go on through a number of customs, too long to give here.

The Roll of the Court Leet of the Manor of Bromfield, Shropshire, for the 2nd October in the 4th year of James I. (1607), also in my Father's possession, after the names of the tenants and jurymen, gives

* This preamble is in Latin, the "Answer" is in English; besides being entered on the Roll at length, an indented copy of the original, signed by the homagers, is tacked on to the middle of the parchment strip.

the presentments and the orders made for each hamlet within the jurisdiction of the court. Among these are the following:—"By Wm Lane and John Farlowe, present Wm Pingell for dryving cattell throw the lordship, contrary to a former order, whereby he hath forfeted the peine before this layd down for suche offenders, the pein being vs. . . . At this court, with thassent of the Lorde and tennants, that all thinhabitants of this lordship yoke or ring their swine sufficiently and soe kepe them from tyme to tyme, vpon peine of xijd. euery one making default. . . . At this court, for avoyding of controversies betwext Wm Lane and Rich. Bevan: It is now with the Lords consent, and assent of Wm Lane, ordered, that Richard Bevan, who hath broken the lords former order betwext them, shall hensforth have and repossede two Ridges hitherto in controuersye, and so save the sayd Lane from harmes with sufficient hedge and diche of his lande adioyning. And this vnder peine of xs., a curia in curiam. . . . At this court, for avoyding a controuersye betwext John wigley and John Chepp concerning the right vse of a way at a place called the water-byde, Richard Genins and George ffaulkoner, produced in open court as witnesses for and on the behalf of John Wigley, being sworn before the stuard and homage, depose and say as foloweth. 1. Richard Genins sayth that margory Davies, sometime dwelling on Chep street, wold not remove her habitacion onles she might haue a way conveniently and quietly to passe from the kings high way to and from a pasture called Hadwell, wherevpon Charles ffoxe esquire, father of Sir Charles ffoxe knight, and nowe L. of the manor, appoynted and gave her a free way out from Hadwell to the kings high way, as well vpon the lande belonging to the tenement she had by exchange as also vpon other lande she had by gift and exchange of other landes taken by the said Charles ffoxe esquire of John Maunders and Roger Hill. 2. George ffauconer likewise sworn, deposeth and sayth as the former deponent, that the said Margerie Davies, making an exchange of her tenement by commaundment of the said Charles ffoxe esquire, had a way for her appoynted and sett down, which is nowe the way where the hedge goeth by, whiche way was over the endes of John Preeces, Maunders, and Hills landes, left by Genins who plowed those landes. And so the said Margery vsed that way continually during her lief. And vpon this the way ordered accordingly. . . . At this court also, with the agrement of the lorde, it is ordered and concluded by the homage that John Hill shall haue, vse, and occupie the Pytt and trees thereon growing, and according as his ancesters vsed the same, and as his witnesses have proved, wherunto the homage vpon their oath haue geaven their verdyct."

These are but some out of numerous illustrations of the doing of "justice at their own doors" by the people themselves, once in use all over the land. [L. T. S.]

APPENDIX I.

[Gild of St. George, Norwich.*]

IN the Worschepe of the Fader Sone and the Holigost, And of oure ladi seint Mari And of the glorious martyr Seynt George And of alle goddis holy, there was begonne a fraternite the ȝer of oure lord a M^l.iij^c.iiij^xx. and v, the ȝere of the regne of king Richard þe seconde after the conquest viij., in the

The Gild was begun A.D. 1385.

* From the Rawlinson MSS. in the Bodleian Library, Misc. 1370. After the earlier set of ordinances of the same Gild, given before on p. 17, was in print, this fuller set of ordinances was found among the Rawlinson MSS., for a copy of which, and collation of the print, readers of this work are indebted to Mr. G. Parker, of Oxford. The original is in the form of a book of eight leaves of vellum, 12½ by 8½ inches in size, of which the edges have been cut, thereby slightly injuring the text. The first page is very indistinct, several words being nearly illegible, but with the help of the next mentioned, these were able to be made out.

A third set of ordinances, nearly but not quite identical with those printed in this Appendix, is to be found in an "Account of the Company of St. George in Norwich," taken from Mackarell's MS. History of Norwich (1737), and printed in vol. iii. of the Transactions of the Norfolk Archæological Society, a copy of which I have received through the kindness of Mr. J. L'Estrange of Norwich. The ordinances are said to have been copied from a folio MS. belonging to the Company, "Book I, marked A," and so closely resemble those here given as to show they must have been taken from the same original. In one point they differ, the date of the foundation of the Gild is put as 1324, 18 Edward II., sixty years earlier than the date given in the Rawlinson MS., which herein agrees with the Return made to Parliament (see before, p. 17). This date, 1324, is probably an error of the transcriber; the Letters Patent and License of Mortmain granted by Henry V. in 1418, cited above, speak of the Gild as "for thirty years past and more continually governed," &c., which points to 1385 as the true date. (See Madox, *Firma Burgi*, p. 24, ed. 1726.) The Gild of St. George grew into great power and importance, and close connection with the Corporation, as is shown by the "mediation" made by one "Judge Yelverton, betwixt the Mayre, Shreves, and Cōalte of the Cite of

Cathedral chirche, at the heie autere aforn the Trinite on the south side, in Norwich. Qwich Fraternite and gylde was in party deseuerd be constitucions and ordenaunces mad withinne the forseide Cite. Qwerfore that seyng, diuerse persones wel willid and stired to þe deuocioune of þe glorious martyr forseyd, sogthen and pursueden with grete* labour and besines to the king for grace to continue hir deuocion, and to haue the name of Fraternite and Gilde of bretheren and susteren of Seynt George for hem and her successours euermore with-oute ende to endure. Qwerfore gracious King Herry the Vte after the conquest, the ȝere of his regne the v^te,—considering to the good wil and deuocion of the forseide, and for augmentacion of more deuocion of his peple to god, and to all his holy, and to the glorious martyr Seynt Georg, and to the fraternite and Gylde,—hatȝ graunted, radefied, and be his letteres patent confermed, þat the forseid fraternite and Gylde of bretheren and susteren þat arn and schul ben, to ben a perpetuale communite fro this time forthward euerelastyng with-outen ende, and to haue and to bere the name of Fraternite and gylde of Seynt George in Norwich with-oute ende.

The bretheren got their constitution confirmed by Letters patent from King Henry V., A.D. 1418.

Norwyche" and the Aldermen and bretheren of the Gild, in 1452 (printed in the same Transactions), as well as by some of their ordinances (see after, p. 452). The list of names at the end is interesting for the testimony it affords of the sort of persons who joined the Gild,—men of rank, both lay and ecclesiastical, being enrolled among them, and evidently having served in its offices,—and of the large number these reached. Blomefield, who gives a long account of the Gild, with several curious inventories, in his History of Norfolk (1745), vol. ii., mentions the names of many famous persons who belonged to it in different years, among which in 1495 is that of Sir John Paston. Many rolls of accounts and books of the Gild are still extant in the archives of the Corporation of Norwich, reaching back as far as the reigns of Henry V. and Henry VI., and the gleanings from these that have been printed show its wealth, and the rich stores of goods and jewels used in the grand and stately pageants or "riding" of the brotherhood on St. George's day. One among the relics existing when Blomefield wrote was an ancient sword of wood which had "the dragons head carved at top, sent by King Henry V.," which used to be carried before the Alderman of the Gild and the Mayor of Norwich as the ex-Alderman (vol. ii. p. 894). [L. T. S.]

* This word is not clear, but stands thus in Mackarell's MS. See last note.

Recital of the heads of the Letters patent.

þAlso oure gracious King hatȝ graunted of hes speciale grace þat the bretheren and susteren forseide and her successoures ȝerely chese on Alderman and Maistres, for to make and ordeyne honest and resonable ordinacious and constitucions, qwicheuer [*hem*] thinketh most best and expedient for gouernaunce of the Fraternite and Gylde.

Also to ben cladde in o sute of clothyngge. And to kepe hir fest in competent place be the alderman and maistres assigned. And also for to haue a comoun seale.

Also the King of his most plenteuous grace hatȝ graunted and leue ȝeuen for him and his eires, to the Alderman bretheren and susteren and to successours of the fraternite and Gylde, that thei mown purchace and hold to hem and here successours londes rentis and seruises within the Cite forseyd to the value of x*li.* ȝerely, for the sustentacion of prestes to sing and preie ȝerely in the chirche forseid for the state of the king and bretheren and susteren qwil thei arn liuyng, and for the soules of the King, his progenitors, and the bretheren and susteren, and alle cristene, and for sustentacion of the fraternite and Gylde forseyd; and othere dedes and charges of pite and elmesse, be the ordenauns of the Aldirman, maistr[*es*], bretheren and susteren therof mad. And for as mikil as ye King hatȝ graunted and leue ȝouen to the Fraternite and Gylde forseid to make ordenauns most leful and expedient to the Fraternite and Gylde forseid within hemsel[*ue*], it is ordeyned be the comoun assent of þe fraternite, þat alle the bretheren and susteren of the Fraternite schullen halwen the day of Seynt George ȝerely, on qwat day so it be-falle ȝerely vp.

The Feast of St. George shall be kept on that Saint's day.

Also thei schul kepe her diuine seruise of bothe euensonges and messe in the cathedral chirche forseid, and othere obsaruaunces of the fraternite ordeyned.

Outaken þat the day of Seynt George falle thre dayes aforn Esterne day, or thre dayes after; and if it so befalle þat the day of Seynt George falle on ony of the seuene dayes forseid, the aldirman and þe maistres, be assent of þe bretheren ordeyned for the assemble of xxiiij for þat ȝere, schul ordeyne and prefixe a day. On qwich day alle the bretheren and susteren schul kepen

If St. George's day fall within three days before or after Easter, the officers of the Gild shall appoint a day.

alle her obseruaunces of her deuyne seruise aforn reherced, and kepe her ridyng, and hauen and weren her clothyng, and holden her feste.

Livery of the bretheren.

Also it is ordeyned þat alle the bretheren schul be cladde in swte of gownes o 3ere and another 3ere in o swte of hodes. Qwich gownes and hodes euery brother schal kepe honestly, in the worschipe of Seynt George and of the cumpane, tweye 3ere.

Old liveries must neither be given nor sold unless the colour of the cloth is changed.

And if it like him no lengger to were it, qwat brother so he be, þat he neither 3eue ne selle it to no manere of persone, neither with-in the Cite ne with-oute, but if he chaunge or do chaunge þe cloth of colour. And qwat brother þat is founde with this defaute, he schal pay for a goune vj*s.* viij*d.*, and for an hood iij*s.* iiij*d.*

The liveries must be bought of the men appointed to sell them.

Also it is ordeyned þat no brother beye ne were no manere of clothing as for the liuere of Seynt George, but of tho men qwiche arn ordeyned and mad beyeres of þe clothyng be þe comoun assent of the fraternite for þat 3ere, outake þat othere ordenauns be mad be the Alderman and maistres, pena xl*d.*

Livery of the sistren.

Also it is ordeyned þat euery suster of the fraternite and Gilde schul ben cladde in o Swte of hodes, that is for to seye reed, pena xx*d.*

Offerings at mass.

Also þat euery brother and suster schal ben at forseyd messe fro the beginnyng vn-to the ende, and offre half-a-peny in þe worschip of þe Trinite and of the glorious martyr Seynt George.*

Penalty for absence from mass.*

And qwat brother or suster þat absente hem in time of Messe with-oute speciale leue of the aldirman, he schal paye to þe fraternite for þat defaute.*

Meeting before St. George's day to choose officers, and arrange the procession and business of the day.

Also it is ordeyned þat the alderman and maistres schul assigne a day for asemble, beforn þe day of Seynt George, on qwiche day thoo xxiiij or the more part of hem schul chesen her George, and a man to bere his swerd and be his keruere tofore him. And a man to bere þe banere of Seynt George, and tweye men to bere þe wax, or do beren with honest persones, and to go

* In the MS. the pen has been struck twice across through the six lines in which these two articles are written.

with hem. And qwat man denye or forsake the offys he is chose to with-oute resonable excusacoun, he schal pay pena, vjs viij*d*.

And at that assemble the Aldirman and maistres schul make relacion and knowyng at qwat place the bretheren schul gadre for her ridyng.

And at qwat place the bretheren and sustren shul fetten her wax.

And in qwat place thei schul ete togidre, pena . . .

Every brother is to be on horseback at the time and place appointed.

Also it is ordeyned on the day of Seynt George, or elles another day assigned as it is beforn reherced, þat euery brother schal be in his liuere for that ȝere on hors-bac at certeyn place, be oure and time assigned and ordeyned be the aldirman, maistres, and be the consent of the xxiiij chosen for þe semble, pena xl[*d*].

Wax tapers for the church.

Also qwan þe ridyng is don þat euery broþer and sister be redy at place beforn assigned, at fettyng and bering of her wax and offren it vp at the heye autere of the chirche forseyd, in worschepe of the Trinite, oure lady, and of the glorious martyr Seynt George, ther to brenne, pena . . .

Offerings at the mass.

Also þat euery brother and suster schal be at Messe fro the beginnyng vn-to þe endyng, and offre half-a-peny in þe worschip of the Trinite and the glorious martyr Seynt George. And qwat brother or suster þat absente him in þe time of Messe withoute speciale leue of þe Aldirman, he schal paye to the Fraternite ijs.

Afterwards all are to feast together.

Also it is ordeyned qwan the messe is seid and ended, alle the bretheren and sustren schul honestly gon to her mete, to place assigned be the aldirman and þe maistres, and there for to ete togidre, euery brother and sister payng for her mete, wax, and minstrales, x[*d*]. And qwat brother or sister absente hem fro her messe and mete, if thei be with-in xij mile in ony quarter about norwich, thei.... vp peyne ij *li*. wax.

Sick bretheren must pay, and can have their meat if they send for it.

Also if ony brother or sister be visited with sekenes or ony other laweful lettyng, he schal sende for his mete if he wil, and pay as another brother doth. And if thei wil not come ne sende as is reherced, he schal his dute pay with-out ony excusacion, if he be of power.

Dwellers without the city must pay their duties even if they cannot come.

Also qwat brothēr or sister dwelle with-out þe Cite of Norwich xij mile or more, and may nogth come to messe and mete, he schal paye for wax. and minstrales vj*d*. And but if he sende tho forseide vj*d*. and his dute, and for his dede dayes of þat ȝere, to þe alderman and maistres of the feste with-in fourtene dayes after þe day of Seynt George, he schal pay [xl*d*.]

None are to be insubordinate, or to interfere on the feast day.

Also þat no brother presume ne take vpon him to make no maistri, ne for to medle on the day of the feste, but if he be assigned be the aldirman and maistres, vp the peyne of vj*s*. viij*d*.

Prayers for the king, the fraternity, and all Christians.

Also it is ordeyned þat euery brother and suster schal on þe festial day after mete ben at euesong, and preye for the helthe and good prosperite of the Kyng and bretheren and sustren of the fraternite and alle trewe cristene.

A Dirge service.

And after þat, to heren Dirige, preyng for the soules of þe progenitours of the Kyng, and for the soules of the bretheren and sisteren of the Fraternite; and þat no brother ne suster absent hem fro this diuine seruise vp peyne iij *li*. wax.

Mass of Requiem.

Also it is ordeyned, þat on the next day after þe day of Seynt George, þat euery broþer and suster of the fraternite forseid schal come to þe chirche forseid be viij of the clok, þat is for to seye be oure ladies belle, there for to here a messe of Requiem preyng for the soules of alle the bretheren and susteren and for alle cristene. And at þat messe euery brother and suster schal offre a ferthing; and qwat brother or suster be absent fro this messe schal pay iij *li*. wax.

Choice of officers for the next year.

Also it is ordeyned qwan þe messe of Requiem is seyd, er thañ þe bretheren and sustren gon to mete, than schal þe aldirman and maistres namen xij persones of þe fraternite whiche haue ben maistres and bore charge and cost, for to chese and name on aldirman and tweye maistres for the ȝere folwyng. And þat no brother presume to take vp-on him in no manere wise for to lette, stourbe, ne geynseye, þat elleccioun so mad be þe aldirman and the maistres forseyd, vp peyne of xx*s*.

There shall be two officers chosen to make the feast and buy the liveries.

Also it is ordeyned for more ese and profyt to the fraternite, þat the aldirman and þe maistres so chosen onewe, schul chesen tweye persones of the fraternite to ben felas with hem, for to

make þe feste and beye the clothyng.* And þat Aldirman so chosen refuse þe office he is chose to, schal paye to þe Fraternite xl*s.* And a maister, xxvj*s.* viij*d.*, whiche schal be rered be þe Aldirman and surueours being þe ȝer before.

There shall be 24 chosen as a common council of the Gild.

Ouermore the Aldirman and tho foure so chosen schul namen xxiiij persones off the Fraternite qwiche schul standen for þe sembles the ȝer folwyng, of whiche xxiiij vj schal be for þe attendauntes to þe aldirman, and tho vj and xviij schal ben for þe hool semble; whiche xxiiij schul ben of hem þat haue ben maistres beforn.†

Two beadles.

Also the Aldirman and the foure maistres so chosen onewe schul namen a bedel for þat same ȝeere. And the elleccioun anoþer.‡

The bretheren must attend on the summons of the Alderman.

And qwan the Aldirman sent oute his Bedel for to warne and haue assemble of bretheren, but þe more part of tho xxiiij aforn reherced come at the sendyng of the Aldirman, euery brother of tho þat ben absent schal pay ij *li.* wax. And euere othere not in þe eleccioun xal pay j *li.* wax.¶

The Alderman shall have a deputy in case of sickness.

Also it is ordeyned þat tho xxiiij, or þe more part of þe forseide, shul namen o persone of the xxiiij or ellis another of the Fraternite, qwich hem thenketh most able, for to be a depute to the Aldirman and to ben of conseile with him. For as mikil it falle so þat the Aldirman were visited with sekenes, ocupied, or letted be ony leful cause, than schal þat persone so named be þe xxiiij forseide stonde as Aldirman. And qwan time is to send þe Bedel to somoun the bretheren and susteren for ony cause þat is leful nedeful and spedeful to the fraternite, þat euery brother and suster schal be obedient to him at that time, lyk as he shuld be to þe aldirman if he were present, vp þe peyne vj*s.* viij*d.*

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Also it is ordeyned þat euery Aldirman schal be redy with

* The words "and beye the clothyng" are crossed through.

† Between this article and the next occur a few Latin words,—"nota de alderm̃ eligend̃ ne defamet, &c."

‡ After this occurs another Latin "nota, vt eligantur constitut' semper in die ellect', &c. pena x. . . ."

¶ Here is another Latin "nota . . . ."

of expenditure and goods of the Gild to be given by the Alderman.

his acomptes with-inne xxj dayes after þe day of Seynt George, to ȝif a trewe and du rekkenyng to þe newe Aldirman, maistres, and to þe bretheren of þe fraternite, þat is for to seye of alle resceytes and paymentes qwiche he hatȝ resceyued and payed in the ȝere aforn; and for to deliuere, be bille endented, to the newe Aldirman and maistres, alle manere of ornemens and other diuerse nescesaries to the fraternite longynge, vp the peyne of xl*s.**

The orders of the Alderman and Masters are to be obeyed.

Also þat euery brother and suster be gouerned and reuled be the Aldirman and maistres in ridyngge, and alle othere communicacouns leful nedeful and spedeful for þe Fraternite. And qwat brother or suster wil nogth obeye to þe Aldirmans commandement as is forseid, he schal pay vj*s.* viij*d.*

Entry of new bretheren and sisteren.

Also it is ordeyned þat þe Aldirman schal not resceyue ne make no brother ne suster with-out consent of þe xxiiij for þe assemble, er þe more part of hem, and þat euery man so resceyued, be þe alderman, maistres, and be the forseide xxiiij persones, shal pay for his entre vj*s.* viij*d.*, and a womman iij*s.* iiij*d.*, for whiche entre euery brother and suster schal fynde sufficiaunt surete to be payd in the fest of Michelmasse next folwynge.

There shall be no quarrelling on the feast day.

Also þat no brother ne suster of þe Fraternite forseid mak no debate, on with another, on þe day of þe feste and ridyngge, ne in no time of ridyngge qwan thei falle, pena xx*s.*

And þat no brother ne suster in no manere wise reuile, despise, ne defame on anoþer, qwerthorw þat ony sclaundre, heuines, or hindring migth falle or come to the fraternite forseid, vp peyne xx*s.*†

In case of quarrel the matter shall be laid before the Alderman and Masters,

Also it is ordeyned qwat brother or sister fele hem agreued in ony manere of cause on with another, þat is to seye of þe Fraternite, thei schal compleyne hem to þe aldirman and the maistres of her causes and greuaunces, or thei pursue. And than schal the Aldirman and the maistres bisie hem in as moche as in hem es with-in the xv dayes after þat the compleynt is mad, to here and

* The copyist at first wrote xx*s.*, which has been crossed out, and xl*s.* substituted.

† Here vj*s.* viij*d.* was first written, then altered to xx*s.*

examine bothe parties, and to sette hem in pes and reste if thei mown be ony wise.

And if the aldirman and maistres may nogth bring hem to onehede and acord with-in þe time forseyd, than be consent of the Aldirman and þe maistres they mown sue þe comoun lawe; and elles nowght. *without whose consent the parties may not go to law.*

And qwat broþer or sister þat is founde rebelle and contrarious ageyn this ordenauns, he schal pay xl*s*.

And ouermore if the Aldirman and maistres be necligent and bisie hem nogth for to bring hem to acord as is seyd, the Aldirman schal pay to þe Fraternite xl*s*., and the Maistres euery of hem x*s*. *Penalty on the Alderman and Masters if they fail in their duty herein.*

Also it is ordeyned that þe Aldirman and maistres schul ȝif no clothyng to no persone in moryng the pris of the liuere, without consent of the xxiiij chose for the assemble for þat ȝere, or þe more part of hem, pena xx*s*. *The livery cannot be purchased by offering a higher price, without the consent of the 24.*

Also it is ordeyned qwat brother or sister of the fraternite falle in pouerte be the wil of crist, he schal be releued and hulpen be the bretheren and sustren of the Fraternite with viij*d*. in þe woke. *Help to poor bretheren.*

To qwiche releuyng and helpe euery brother and sister schal pay a ferthing in the woke to the officeres therfore assigned.

And if more be resceyued of the bretheren and sustren of the Fraternite, it schal be disposed for þe profyt of the Fraternite and Gylde forseyd.

Also it is ordeyned qwan ony broþer or suster deye, the aldirman schal send his bedel to ȝif warnyng to alle bretheren and sustren of þe day of Sepulture, þat euery brother and sister schal be at Dirige in his liuere, old or newe, and principaly with her hodes, there for to preye for the soules of alle the bretheren and sustren of þe Fraternite, and alle Cristene; and qwat brother or sister be abssent and wil not come to þat Dirige, he schal pay j *li*. wax, with-oute resonable excusacoun to þe Aldirman and his felawes. *Burial services for the dead bretheren and sisteren.*

Also þat euery brother and suster schal on the morwe next folwyng ben at Messe, at qwiche messe euery brother and suster *Offerings for the dead.*

schal offren a ferthing, and ȝif a ferthing to elmesse and a peny for a messe, qwich messe peny and ferthing schal be resceyued be the colictour for the ȝere chosen. And of the self siluer the dede schal haue tweye Candelis peis and viij *li.* wax, and iiij torches brennyng in time of Dirige and messe. And þat no brother ne suster absente hem fro this messe fro beginnyng vn-to the ende, with-oute speciale leue of the Aldirman, vp peyne j *li.* wax.

Brotheren not willing to serve offices to pay a fine.

Also it is ordeyned þat euery man willyng to be brother of this Fraternite and Gylde, and desiryng to be discharged of euery manere of offys longgyng to þe Fraternite and Gylde, he schal pay for his entre xl*s.*, or xxvj*s.* viij*d.*, or at leste xx*s.*; and payng ȝerly þe deute of elmes and obites and othere costes, as another brother doth.

Members of other companies seeking entrance into this Gild must pay certain fees.

Also it [is] ordeyned þat alle men þat arn to ben resceiued in-to this Fraternite and Gylde, and ben liche in time comyng to ben drawen vn-to þe estat of Meyr, schreue, er Aldirman of þe Cite of norwich,—or elles arn in othere cumpanyes and cloth-yngge and schul nogth vsen ne weren gownes and hodes of þe liuere of Seynt George, ne riden ne gon in þe liuere of Seynt George, as it is beforn seyd, as the more part of the bretheren vsen and don,—iche persone so resceiued schal pay for his entres xl*s.*, ij marcas, or xx*s.* at leste, as it may ben acorded with þe gouernours for þe tyme being. And fynde surete for his entre, or ellis nogth to ben resceiued.*

Fees to be paid by new comers into the Gild who are willing to serve offices.

Also þat eche man þat schal be resceiued into þe seyd Fraternite, and is lyk to bere Alle offices and charges, schal paye for his entres vj*s.* viij*d.*, as other men þat haue born charges, and fynd surete for the seyd entres. And euery womman þat schal ben resceiued for a suster schal pay for hir entres xl*d.*, and fynde surete for þe seyd entres.

* Between this and the next article was a paragraph in Latin of which only the following words are legible :—

..... Fraternitat' recept feret unus
..... termiñ v annorum &c.
..... dict' Frat' recipient' in registro
..... fuerit recept' et ingress' suos
..... persoluiss', &c.

Johannes, *Archiepiscopus Smerniencis.*
Henricus, *Episcopus Norwicensis.*
Johannes Wakeryng, *Episcopus Norwicensis.*
Thomas Ringnan, *Episcopus.*
Thomas Colby, *Episcopus.*
Comes Suffolcñ.
Monsieur Sir de Morlee.
Rogerus Boys, *Chiualier.*
Willelmus Calthorp, *Chiualier.*
Thomas Gerbrigg, *Miles.*
Robertus Carbonelle, *Chiualier.*
Willelmus Phillip, *Chiualier.*
Johannes Fastholff, *Chiualier*, vxor.
Henricus Englese, *Chiualier.*
Brianus de Stapiltoun, *Chiualier*, vxor eius.
Thomas Kerdestoun, *Chiualier.*
Simon Felbrigge, *Chiualier*, et vxor.
Willelmus Pastoun.
Willelmus Sheltoun.
Rogerus Felbrigge.
Johannus Roys.
Magister Willelmus Bernham.
Dominus Rogerus Prat, *Magister Sancti Egidii* in [1]
Willelmus appilgerd, *Maior.*
Thomas Wetherby, *Maior*, Margareta vxor eius.
Ricardus purdanus, *Maior.*
Willelmus Sedeman, *Maior.*
Robertus Baxter, *Maior.*
Thomas Yngham, *Maior.*
Johannes Cambrigge, *Maior.*
Robertus Chapeleyn, *Maior.*
Baiš a Monesle, *Maior.*
Johannes .....
Dominus Johannes Brown.
Dominus Rogerus Wissyngcete.
Dominus Henricus Wiltoun, Katerina soror eius.

Names of the brethren and sistren of the Gild.

[1] (sic.)

Dominus Johannes Kentyng.
Dominus Johannes Carmer.
Dominus Thomas Sharyngtoun.
Dominus Johannes Whyt.
Dominus Johannes Keteryngham.
Dominus Nicholas noth, *Rector* de tasburgh.
Dominus Robertus, *Rector* Julianis.
Dominus Thomas Bladsmyth.
Dominus Willelmus Crask.
Dominus Johannes Catrap.
Dominus ....., *Rector* Spikesworth.
Magister hospitij Sancti Egidij et Rector de Erpyngham.
Thomas Prat, *Rector* Cloniencis.
....., *Rector* de Burneham.
Magister Thomas Sharyngton.
Magister Johannes Thorpe.
Frater Willelmus Gedeneye.
Frater Adam Holibesse.
Frater Thomas leek.
Frater Thomas Besthorpe.
Thomas Danyel.
Thomas Wetherby.*
Johannes Aldirforde.
Ricardus purdaune.*
Johannes Thorneham.
Robertus Randes, Alicia vxor eius.
Magister Johannes Exestre, Isabella vxor eius; sub condicione que sequitur, videlicet quod Idem Johannes Excestre nunquam debet invitus onerari cum aliquo officio dicte gilde siue fraternitatis nisi si et quatenus idem Johannes ..... hoc consentire Putens erant in d ....
Reginald Berle, *Aldremannus*..... Johannes Mayor.
Nicholaus Wylde.
Willelmus Grey, vxor eius.

* These names are all crossed through in the MS.

Stephanus Furbour, vxor eius.
Reginaldus Berle, Margareta vxor eius.
Clemens Rasch.
Augustinus Bangge, Emma vxor eius.
Rogerus Bollowe.
Johannes Erleham, Margareta vxor eius.
Willelmus vice, *Bladsmyth*, vxor eius.
Robertus Lawnde.
Johannes Hawkes, vxor eius Emma.
Johannes Bilagh, vxor eius Margareta.

Petrus Brasiere.
Johannes Polloyne.
Johannes Talbot.
Johannes Roo.
Willelmus Tauerham.
Thomas Stiward de Swofham.
Robertus Heylot.*
Walterus Comerton.
Ricardus Talbote.
Reginaldus Brisyngham.
Henricus Sileham.
Stephanus Frengge.
Willelmus Shipman, vxor eius.
Rogerus Baxter, vxor eius.
Radulphus Wether, vxor eius.†
Stephanus Goldsmyth, Juliana vxor eius.†
Simon Sadelere, vxor eius.†
Bartholomeus Dowe, vxor eius.
Robertus Skeppere, vxor.†
Johannes Michil, vxor.†
Johannes Milome, Margareta vxor eius.
Edwardus Glouere, vxor eius.
Galfredus Glouere, vxor eius.
Johannes May, vxor.†
Johannes Cosseye, vxor eius.
Johannes Estan, vxor eius.
Henricus Waltham, vxor eius.
Johannes Plomere, vxor eius.
Johannes Wolflete, mater eius lucia.‡
Jacobus patynmakere, Izabella vxor eius.†
Galfredus Candelyr, vxor.
Thomas Snow.
Thomas Diggard.
Gile Sporiere.
Ricardus Qwilter.
Claricia Parham.
Johannes Randis.
Thomas Sweyn, *Redere*.
Johannes Rynggere.
Adam Nerbourgh.
Willelmus Spence.
Galfredus Shedere.

* These names are all crossed through in the MS.

† In each of these cases, "vxor" or "vxor eius," and her name, is crossed out, but not the name of the husband.

‡ "Mater eius lucia" is crossed out in the MS.

Willelmus longʒerd.
Robertus Broun, *Redere*, vxor eius.
Robertus Clerkwrigth.
Robertus Rose, Cecilia vxor eius.
Beatrix Baxter.
Elena Reymerstone.*
Izabella Goldbeter.
Johanna Arych.
Johannes Frost.
Johannes Avdrie.
Willelmus Borelle.
Johannes Snape, Agneta vxor eius.
Johannes Barsham.
Hugo Topcroft.
Johannes Bokisworthe.
Johannes Kircroft.
Nicholaus Calwe.
Nicholaus Wylde.
Willelmus Estan.
Robertus Fader, Margareta vxor eius.
Thomas Paryng.
Willelmus Cuttyng.
Petrus Hood.
Edwardus Pruet.
Johannes Pruet.
Walterus Wylde.
Robertus Horsele.
Ricardus Ristoun.
Ricardus Quarelle.
Willelmus Alblaster.
Robertus Stristreme.
Rogerus Split.
Walterus Orlogyr.
Nicholaus Botild.
Robertus lymbrenn.
Galfredus Bedweuere.
Willelmus Bradle, vxor eius.
Ricardus Furbour, vxor eius.
Johannes Bennes, vxor eius.
Johannes Baddyng.
Johannes Marwe.
Ricardus hert.
Robertus at-wode, *wrigth.*
Thomas Woilound.
Johannes Smyth, *Rafman.*
Johannes Bolley.
Johannes Wiseman.
Willelmus Steyngate.
Robertus Hardy.
Nicholaus lyngcolne.
Thomas Lardenere, Johanna vxor eius.
Robertus Heigham.
Willelmus Bikeleswade, Agneta vxor eius.
Johannes Messagyr.
Willelmus Glouere, Sara eius vxor.
George Brian.
Johannes Godyng.
Willelmus hony.
Simon Babourgh.*
Johannes Aleyn, *fischman.*
Robertus Grey, *taliour.*

* These names are crossed through in the MS.

Johanne perle.
Johannes qwyt, *Fischman.*
..... Gargraue.*
Willelmus Randolf.
Willelmus Waschbourne, vxor eius.†
Andreas Boys.
..... Sweteale.
Nicholaus Huluerwode.
Johannes Sexteyn, *Cordemakere.*
Ricardus stille, Isabella vxor eius.
Ricardus Pottere.
Thomas Ray.
Johannes Sweynesthorpe, Matilda vxor eius.
Ricardus Wrigth, *Fischman.*
Ricardus parkere, *Wrigth.*
Johannes Storme.
Robertus Selid.
Willelmus Seelde, vxor eius.
Nicholaus Waterman.
Johannes hamund de Estbradenham.
Johannes Bernard de Becles.
Willelmus Fox.
Willelmus loue, sub condicione quod non portabit officium.
Robertus Grey, *peyntour*, vxor eius.
Johannes Wike.
Johannes Bladsmyth ‡ Qwerdelyn.
Henricus Bangge.
Johannes Frost de heilesdon.
Martinus Wode de Cosseye.
Clemens Newgate.
Thomas potter de Walsham.
Johannes Matte.
Rogerus Burre.
Andreas lynes.
Simon Corseye de vpton.
Aleyn Benselyn.
Johannes Puttok et vxor.
Walterus Colman.
Johannes Kirkman, sancte fidis.
Johannes Vlf.
Johannes Here.
Ricardus Felmygham.
Johannes Walklate de Caustone.
Johannes Fouledone.
Johannes Ketone.
Johannes Cattone, *Bochere.*
Johannes Stoneham.
Thomas Carre.
Johannes Kempe de Wymedham.
Johannes at Merre.*
Johannes Colman, *Taliour.*
Rogerus Dousyng.
Johannes Clerk de Caustone.
Ricardus Bret, *Turnour*, de Attilburgh.

* These names are crossed through in the MS.
† "vxor eius" is crossed out in the MS.
‡ This name "Bladsmyth" appears to have been written by mistake, as it is crossed out.

Thomas Barbour de Swoffham.
Willelmus Arnald de Cromere.
Edwardus Grene.*
Johannes Collis de Eton.
Thomas Collis de Benette.
Johannes Scot.
Rogerus Scot.
Edwardus Sandewich le grene.
Willelmus Malle.
Willelmus Benigth, Johannes Benygth, Johannes Benigth } *Fratres.*
Simon Ropere de Takeleston.
Bartholomeus Drury.
Ricardus appilton, vxor eius.
Johannes Nichol.
Willelmus Thirstan.
Robertus Candelyr, *bochere.*
Robertus Peye.
Johannes Whityng.
Willelmus Shirwyn.
Ricardus Rogere.
Willelmus poyntmaker.
Robertus Dauy.
Ricardus louegald.
Willelmus peuterere.
Johannes colman, *wrigth.*
Johannes Erleham, *Merchaunt.*
Elena Smyth.
Johanna de thorpe.
Beatrix Baxter.*
Margareta Somherde.
Thomas Baldok.
Robertus Baxter, *Merchaunt.*
Henricus Sturmere.
Johannes Aldirforde.*
Thomas Cleter.
Dominus Henricus Bettes.
Johannes Houlote, *Rector omnium sanctorum.*
Magister Ricardus Dogget.
Dominus Rogerus Shreue.
Robertus Heylot.
Johannes Heigham.
Johannes Howard, vxor.
Johannes Dekene de Salle.
Johannes Arnald Senior.
Thomas Bokenham.
Thomas Vssyere.
Nicholaus Walleys.
Johannes Preston.
Johannes Bray.
Johannes Gegge, et vxor eius.
Robertus Crowe.
Robertus Joite, Alicia vxor eius.
Johannes Cosyn.
Nicholaus Mannyng, *Gaylere,* vxor eius.
Johannes Kirkeby, *Bale* de Carrowe.
Johannes Mercaunt.
Johannes Erleham.
Willelmus Bigot.
Bartholomeus Drury.
Johannes Blibourgh, *Capellanus.*
Ricardus Bany.
Johannes Arnald Junior.
Bartholomeus Braun.

* These names are crossed through in the MS.

Thomas † Scarle.
Nicholaus fitzsimond.
Henricus Morgon.
Robertus Hawys.
Edmundus Wichinggham.
Robertus Chapeleyn.*
Petrus Brasiere.*
Johannes Bacon.
Willelmus Billyngforthe.
Johannes Wetherby.
Ricardus Wetherby.
Walterus Wetherby.
Johannes Goldbeter.
Ricardus Davy, vxor eius.
Edwardus Hewe.
Henricus Riche.
Thomas ydessone de Cleye.
Leonardus Claxtan.
Edwardus Billyngforde.*
Johannes Bacon.*
Thomas Faconere.
Johannes Gedeneye, Izabella vxor eius.
Johannes Geruoyse.
Willelmus Mirrigoo.
Johannes Ferrour.
Johannes Alleynsone, *Coupere.*
Bartholomeus Hemmesby.
Robertus Swan.
Ricardus Berre.
Johannes Sutbury.
Johannes Edinbourgh, vxor.
Johannes Yutte.
Morise Botelyr.
Rogerus Taliour.
Willelmus Coke, *Carpentere.*
Johannes lawne.
Johannes Misseldene.
Johannes Danyel, *glouere,* vxor eius.
Robertus Smyth, *Raffman.*
Thomas Dilham.
Thomas May, *Fresère.*
Richere Stuteville.
Rogerus Botelyr.
Johannes Gladman.
Johannes Flye.
Johannes norwich.
Willelmus Davy.
Edwardus Risyng.
Thomas Silueren.
Willelmus Marchale.
Willelmus Brannyng.
Johannes Cartere.
Johannes Busch.
Johannes Stratton.
Johannes Cole de Kesewike.
Willelmus Treweloue.
Johannes Man.
Johannes Vice.
Margeria Mayn.
Thomas Catworthe.
Thomas Grafton.
Johannes Sipatre.
Willelmus Aschwelle.
Robertus Roys.*

* These names are crossed through in the MS.

† This name "Thomas" has been altered to "Robertus," in a later hand.

Johannes Raffman.
Henricus Heddessone, *Capellanus.*
Thomas Dereham.
Johannes Sextene.
Thomas Haistone.
Nicholaus Tiptote.
Rogerus Warde, vxor eius.
Willelmus Tauernere.
Thomas Bisschop.
Johannes Spendeloue.
Johannes Grene.
Johannes Malthous.
Willelmus Waltham.
Petrus Kindylle.
Petrus Frostelle.
Johannes Thurton, *Candelere.*
Johannes Tubbyng.
Johannes Derby, *Bladsmyth.*
Johannes Hardele, *Fremason.*
Alicia Feith.

APPENDIX II.

GRAMMATICAL NOTES.

By Richard Morris.

The Language of the East-Midland Gilds.

The verbal inflections (present tense indicative) in the Gilds of Norwich, Lynn, Stamford, Cambridge, and London, are those that clearly point to an East-Midland dialect (see Preface to Early English Allit. Poems, Genesis and Exodus, &c.).

2nd pers. sing. in *-est* (Northern and West-Midland *-es*).
3rd pers. sing. in *-eth* (Northern and West-Midland *-es*).
1st, 2nd, and 3rd pers. pl. in *-en* (of very rare occurrence in Northern dialect).

The Gilds of Lynn are slightly more Northern than those of Norwich, &c., as is seen by the occasional use of the 3rd person singular in *-es* (or *-etz*).

The employment of *qw* for *wh* or *hw* (as *qwat* for *what*) has already been pointed out by me as an instance of Northern usage prevailing in East- and West-Midland dialects, but which never found its way into the Southern dialects.

The London Gilds (as well as the Cambridge ones) contain no instances of *qw* for *wh*, and no participles in *-end* or *-and*. It may be stated once for all that the Gilds of London are a little more modern in form than those of Norwich, &c., and there is an absence too of those Northern peculiarities which occasionally occur in the other Midland Gilds. Chaucer's dialect,

which is East-Midland, was that of the metropolis, and, as Garnett has pointed out, presents an unmistakable likeness to the older East-Midland records; Gower's English has a few more strongly marked East-Midlandisms, such as participles in *-end*, than Chaucer, which led Garnett to think the Confessio Amantis was a little more Northern than the best MSS. of the Canterbury Tales.

The infinitive mood in the Norwich, &c. Gilds ends in *-en* or *-e*, though there is an occasional loss of the inflexion.

The present participle terminates in *-inge* (pp. 14, 18, 33, 37, &c.), *-end* (pp. 30, 33, 37), or *-and* (pp. 15, 16, 22, 25). Capgrave, an East-Midland writer, employs *-and*.

Passive participles of strong verbs end in *-en*, the *n* being but seldom dropped.

The prefix *i-* or *y-* is of rare occurrence. *Arn* (aren) occurs as well as *ben* in Norwich and Lynn Gilds.

Schun (pp. 67, 101, 109), is probably written for *schūn*, i. e. *schullen* or *schuln* (see Mr. Smith's note, p. 109).

Es = is; and *sal* = shall (Northern forms), occur in the Wygnale and Cranborne Gilds.

Gare (Northern) is found in Cranborne Gild.

In NOUNS we find a *few* plurals in *-n* (unknown to the Northern dialect), as *bretheren* and *sisteren*, but the ordinary plural ending is *-es* (or *-is*). The old genitive plural *-ene* is of rare occurrence; it appears under the form *-yn* in *Halwyn*, p. 14.

In ADJECTIVES the grammatical use of the final *e* seems to have been for the most part disregarded.

The old adjectival suffix *-lic* is softened down to *-lich* (and the *-lice* of adverbs to *-liche*). The Lynn Gilds present occasional instances of the more Northern *-lyke*, as well as the use of the Northern *ilk*, for *ech*, &c., each, &c. (Wygnale has *kirke* where the other Gilds read *chirche*).

The PRONOUNS are those we find in all East-Midland writers of the fourteenth century—*thei* = they; *her*, *here* = their; *hem* = them.

þam (a Northern form) occurs in Wygnale Gild.

þer = their, occurs in Norwich Gild, p. 443, *their*, p. 444.

Hese = his (the reading of the Cambridge Chaucer MS. used by Mr. Furnivall in his *Six-Text edition of Chaucer*) occurs in the Cranborne Gild.

The Worcester Ordinances, which have a very modern form, present but little variation from the East-Midland dialect. In the older specimens of the dialect the Southern element was strongly marked, but in the Ordinances the Midland element predominates.

The prefix *i-* or *y-* is not lost in these Ordinances, as in the Northern dialects. (See pp. 395, 404.) No present participles in *-end* or *-and* are met with.

The pronominal forms are mixed, as *ther* and *her* (also *hur*, which may be compared with the old West-Midland *hor*), *hem* and *them*.

The Winchester Roll (pp. 349–363).

"The Old Usages of the Cite of Wynchester," though much more modern than the Ayenbite of Inwyt, A.D. 1340, is somewhat more archaic than the English of the Midland and Northern districts written in the fourteenth century.

It is of course written in the Southern dialect (all the plurals of the present indicative ending always in *-eth*), but is not so strongly provincial as the Ayenbite. Though we have occasionally *v* for *f*, as *vy3tyng* = fighting, we have not 3 for *s*, as in the old Kentish speech; *e* occasionally occurs, as in Kentish for *i* or *u*, as *wheche* for *whiche*, *treweleche* for *treweliche*, *undurnemere* for *undernimere*, *onleche* for *onliche*, *meche* for *miche*, *þelke* for *þilke*.

The Winchester Roll has a simple vowel where the Old Kentish had a diphthong, thus *chese* and *lese* for *chiese* and *liese*, *yseld* for *yseald*, &c. Like the Ayenbite it keeps up old forms, as *habbe*, *legge*, *bygge*, &c., which are softened down in the Northern dialects to *haue*, *leye*, *beye*, &c.

Nouns.—Distinctions of the old genders and cases are not so strictly preserved as in the Ayenbite. A few plurals in *-n* occur, as *shon* = shoes, *lapen* = *leapen* = baskets; *hynen* = servants.

We have a remnant of the old genitive plural *-ene* in *halowene tyd*, p. 351.

Adjectives.—The distinction between the definite and indefinite form is still preserved.

The case inflections preserved by the Ayenbite are here entirely dropped.

The Definite Article seems to be uninflected, as at present. Only one plural of *this* occurs, viz. *thes*.

Pronouns.—The first personal pronoun does not occur, but was probably *ich;* the dative *hym* seems to have altogether supplanted the accusative *hine; hii* = they, *here* = their, *hem* = them, as in most of the Southern dialects, but the broader forms of the Ayenbite, *har* = here, *ham* = them, do not occur in the Roll.

We have one instance of an oblique case of the relative, in *þan*, p. 357, a form very common in the Ayenbite.

Verbs.—Infinitives in *-y* (*-ye*) are exceedingly common, as in all Southern dialects.

The gerundial or dative infinitive in the Ayenbite ends in *-ne* or *-e*, but in the Winchester Roll it terminates in *-ynge*, as in Trevisa; cf. *to wetynge*, p. 349. *To don* (p. 350) is the only gerundial infinitive in *-n*.

Passive particles retain the prefix *y*, as *y-seyd*, &c., but drop the *n* (in strong verbs) as in the Ayenbite, e.g. *yswore* = *ysworen*, &c.

Present participles end in *-ynge* (see *comynge*, p. 354), instead of *-inde: folwande*, on p. 360, is probably a blunder, as participles in *ande* are not found in any Southern dialect of the fourteenth century.

GLOSSARIAL INDEX.

Abell (1) *v. act.*, to make able, to teach, or fit, 316, 319, 328; (2) able, fit, 317.

A-berynge, bearing, behaviour, 381, 419.

A-boffe, above, 314.

Accompteraunts, debtors, 379.

Acloth, grete = great clothing, *i.e.* of the highest official livery: meaning the upper council of the city, 372, 377, 386.

Acombred, hindered, annoyed, 393.

Acorden, to agree, reconcile, 55, 76, 101, 115, 280, 323.

Aff = off, cutting off, separation, 351.

Affur, to value at a certain rate, 379. (O. F. *feur*, price or rate, *affeurer*.)

Affurers = afferors, officers appointed to fix the amount of amercements, &c., 373, 395.

Aforn, before, 23, 30, 122.

Alb, 233.

Ale-conners, officers whose duty it was to taste and know that the ale was good, 382, 425. (A. S. *cunnan*, to know.)

Alegge, A-leggy, allege, 362, 380.

Alf, half, 81.

Allmesse, alms, 7, 24, 31, 43, &c.

Alosed, famed, reputed, 11. (*See* Loos.)

Alowy, be allowed, 361.

Also, as, 51, 278, 350.

Alther, a remnant of the old genitive plural A.S *alra*, O. E. *alre*, *alder*, of all ("our alther liege lord," our liege lord of all), 415, 416.

A lyre, a kind of costly stuff; probably so named from Lyre, a town in Normandy, 415.

"ij. peciæ de panno nigro de Lyre." —Rym. x. 391. And see Fenn's Paston Letters, ii. 257, letter lxxxii.

Amendement, enriching, helping, 58, 60, 77, &c.

Amendyd, enriched, 53.

Amercie, Amercid, fined, 77, 83, 394.

A-mercy, Mercy, amerciament, fine, 354, 355, 356.

Amyce, one of the priest's vestments, 233.

Amytt, admit, 328, 380.

And, sometimes used for *if*, 44. (O. E. *an* = if.)

Anientise, Anyntese, overcome, destroy, 6, 9, 416. (O.F. *anienter*, *aneantir*.)

Anone, at once, immediately, 189.

Anoyr, another, 119.

A odyr, A oȝere, another, 72, 79.

Apaired, injured, 11.

A-peripenseris, a pair of pincers or tongs, 320.

Apertiliche, openly, 48.

A-poun = upon, after, 313.

Arraye, dress, 408.

A-rered, raised, levied ("gaderynge shall be a-rered," *i.e.* rates shall be raised), 356, 379, 389.

Arreragys, arrears, 371, 378, 379.

A-sely, to seal ("þelke þt shal a-sely," those that shall seal), 360.
Askere. (*See* Axere.)
As-kused, excused, 323.
Askynd, ask, 51.
A-spyȝe, look after, seek, spy out, 357.
Assaye, to try, 96.
Assie = assize. (*See* A-syse).
Assoyne, Assone = essoin, excuse sent by the mouth of another for non-appearance when summoned, 361.
Assyngnetȝ, assigneth, 36.
A-sygned, assigned, 54.
A-syse, Syse, Sise, Assie, = assize, of cloth, bread, or ale; a name for the settled rules governing the weight (or measure), quality, and price of those articles, 352, 354, 359, 371, 381, 424.
Asythed, satisfied (*aseth*, satisfaction or amends for an injury), 381.
Atent, intent, 74.
Attachement, the putting a man's body or goods into ward, 360, 373, 376, 391, 405.
Atte, according to, 3.
Atte, at the, 80, 418.
Atturne, A-torne, Attourne, substitute, proxy, 58, 62, 65, 71. (Mid-Lat. *attornatus*, one in the turn of another.)
Auter, Autiere, altar, 14, 23, 444.
Avayle, profit, 378, 379, 389.
Aventure, chance, hap, 20, 319.
Avoyd, to drive away so as to leave a void, to leave empty, to vacate, 398, 418.
Avoydaunce, vacancy, emptiness, 399.
Awe, to owe, 39, 318.
Axen, Axken, to ask, 58, 84, 91, 94, 188.
Axere, Axkere, Askere, = asker, plaintiff, 361, 362, 363.
Ayent, Ayenste, against, 316, 384, 405, 424.
A-ȝe, Aȝen, again, 36, 357.
Aȝeins, Ageynȝ, against, 4, 21, 55, 81.
Aȝens, towards, 10.

Bager = badger, a corn-factor or bargainer, 424.
Bakke = back, a waterside street in Bristol, 425.
Ban, summons, 359. (A.S. *bannan*, to command.)
Bankers, coverings for benches, 233.
Baszelarde, a kind of dagger, generally worn hung from the girdle, 427.
Be als mekil, forasmuch, 45, 49.
Beddeste, bedstead, 327.
Bedel, Beddelle, beadle, 35, 121, 145, 449.
Bede, prayer, 23, 36, 37, 76.
Bedeman, priest whose duty it was to pray for the souls of the dead, 230.
Beden, bid, 53.
Bederolle, list of those who are to be prayed for, 145.
Bed-mon = beadle, the man who bids or summons, 395. (A.S. *biddan*.)
Begynnen, begin, 25.
Behoufull, needful, 310.
Behough, behoof, 332, 333.
Beleue, belief, 23.
Ben, Bene, Bien, Beth, Beþ, is, are, be, 4, 6, 20, 23, 27, 91, 248, 326, 331, 335, &c.
Beneth-forth, beneath, 373, 391. (*See* Forth.)
Beryinge, burial, 26.
Beryn, to bear, carry, 67, 350.
Beryne, to bury, 50.
Beryng, behaviour, 3. (*See* A-beryng.)
Besaunt, a coin of uncertain value, said to be worth two shillings, 349.

Besege, beseech, 110.
Bet, better, 362.
Beth. (*See* Ben.)
Bewreys = bewrays, discovers, 58, 65.
Biddin, pray, 37.
Bien. (*See* Ben.)
Bisett sett peale, an appointed peal, 290. (A. S. *besettan.*)
Bisyness, business, affair, 76.
Bitte, a flagon, bottle, or butt, probably in this case a leathern bottle or bucket, 382.
Bitters, bucket-carriers for fire, 371, 382. (A. S. *byt*, a flagon.)
Blake Monunday, Black Monday, or Easter Monday, 97. (*See* Fordun's Scottichronicon, ii. p. 359.)
Blyn, blind, 35.
Borde, table, shop-board, 310, 353.
Borghmot, borough-mote or meeting, 350.
Borwe, Borowe, Boruh, (1) surety, (2) to borrow, 8, 11, 54, 59, 83, 362, &c. A *Borwe* is the *personal* security, a *Wed* is the actual article given; "leye a wed," &c. p. 8.
Borwys, Borus, sureties, 60, 63.
Bot, Bote, = but, unless, 10, 26, 58, 70, 353, &c.
Botellerie, butlery, 233.
Botere, butter, 356.
Botes, boots, 332.
Botwes, a kind of long boot, or leather covering, reaching high up the leg, 332.
Bouþe, booth, 355.
Boxom, Buxum, obedient, lowly, meek, 10.
Brandhirne, a flat iron plate for cooking, 233.
Brennande, Brennyng, burning, 14, 17, 23, &c.
Breyeren, Breyern, bretheren, 55, 58, 80, &c.
"Broche wt a fote," a spike on which to set a candle, 327.
Brotheredyis, brotherhoods, 327.
Broyer, brother, 30, 54, 58, 62, &c.
Brugge, bridge, 374, 396.
Burell, a kind of coarse or roughed up cloth, 350, 351.
But, But if, unless, 5, 20, 54, 351, 446, &c.
Buþ, be, 354.
Byden, to abide, wait for, 31.
Bygge, to buy, 353, 354.
Byggere, buyer, 355, 359.
By-lyþ, to happen, befall to, 350, 356, 360. (*See* Leiþ.)
By-of-þe, behoof, 354.
Byryid, buried, 68.
Bysyden, besides, 39.
By-þinne, within, 354, 355.
By-þowȝte, without, 349, 357, 359, 361, 362, 363.

Canne, knows, is able, 407.
Cantr cope = cantor cope, *i.e.* one worn by a priest officiating in the choir at certain services, 233.
Carnok, a measure of four bushels, or half a quarter, of corn, 426.
Cassed, quashed, 311.
Catel, Katel, = chattel, goods, moneys, funds, property, 20, 30, 31, 46, 53, 400, &c.
Certein of seluer, a sum of money, 8, 11.
Certeyn of masses, a particular service of prayers, 278. (*See* Canon Rock's "Church of our Fathers," vol. iii. p. 126.)
Chaffare, chaffer, merchandise, 353, 357, 359, 382, 383, &c.
Chaloun, a kind of blanket or bed-cloth, 350, 351, 352.
Chalys, cup, 8.
Champertye, a partnership or sharing in gains (legal), 400.
Chaundeler, chandler, 18, 38.
Cheker, a checkered table or

board upon which sums of money were counted, 83.
Cheker ("the old cheker and the new"), apparently a "check-roll" of the inhabitants, of which there were two, an old and a new, 406.
Chepmen, Chapmen, merchants, traders, 357, 359.
Chesen, to choose, 276, 280, 350.
Chesible, 233.
Chuged, judged, 322.
Cladde, clothed, 31.
Clene, entire, 46, 276.
Cleped, called, named, 108, 275, 417.
Clepyn, Clepene, to call, summon, 62, 71, 276.
Clereliche, clearly, 4.
Cleym, claim, 16.
Clotȝ, cloth, 36.
Cloth-walk, to full cloth, 383.
Clothe, 409. (*See* A-cloth.)
Clopynge, clothing, livery, 313, 318, 400. (*See* A-cloth.)
Clowted, mended, patched, 320.
Coke, cook, 375, 405.
Comenable somaunse, due summons, 349.
Comend, coming, 53.
Comenaunt, ordered, ordinance, 34, 36.
Comenynge, communing, talking, 380.
Commande, coming, 25.
Commune, commonalty, 349, 350, 356
Comyn, Commen, to commune, to talk, 407, 425.
Comyners, commoners (in this case members of the common council of the town), 372.
Connyng, knowledge, skill, 319.
Contekour, brawler, 4, 11.
Corden, cordovan, a kind of leather, 358.
Cordynereȝ = cordwainers, shoemakers, 331.
Corporall or Corporas, cloth upon which the sacred elements were placed on the altar, 233. (*See* Way's Promptorium, *v.* Corporasse.)
Corsant, Corseynt, body or relic of a saint, 97, 188.
Corveser, Corvyser, shoemaker, 371, 384.
Couenable, fitting, 357.
Counts, accounts, 35.
Cowle, a kind of tub or large vessel, 371, 382.
Cownand, ? = cowunand, covenant, 316.
Cresset, a vessel for holding a light, 408.
Cristen, Crystene, Christian, 111, &c.
Crouche, cross, 54, 83.
Crowchemesse = cross-mass, cross-tide, or roodmas, Rogation week, 119.
Crykche, church, 93.
Custil, a dagger or long knife, 427.

Debet, Debyte, deputy, 312, 315.
Deffe = deaf, stupid, 315.
Delid, dealt, 38.
Demanynge, dealing with, order, decision, 387. (*See* Demenaunt.)
Demenaunt, trading, dealing, 393, 404. (O. F. *demener*, to deal with, handle, order.)
Demened, Demeaned, ordered, dealt with, 395, 407. (*See* Demenaunt.)
Dene, Den, Deen, a dean or chief officer, 48, 64, 69, 75, &c.
Departyde, divided, 279.
Der, Dere, dear, 58, 65, 69, &c.
Deseuerd, dissevered, 444.
Desse, dais, 327.
Deuer, Devoir, duty, 5, 377.
Deuouteliche, devoutly, 22.
Deye, die; Deyde, died, 362.
Di. (dimidius), half, 58, 70.
Diffuse, difficult, hard to be understood, 400.

Digne, worthy, 29.
Dirige, Diryggis, Dyryge, Deregy = dirge, funeral services, 4, 60, 64, 123, 145, 190, 326, &c.
Disceuyd, deceived, 332.
Discomened, turned out of the common council, 303 (*see* 304).
Discouere = discover, disclose, 387.
Discureth, discloseth, 55, 79, 98.
Discuse, disclose, 76.
Dis-klandered, slandered, 323.
Dispeyre, dilapidation, 397.
Dispisantliche, contemptuously, angrily, despitefully, 80, 95.
Dispyse, to be angry or spiteful, 87, 279, 315.
Distresse, Stresse, requirement, compulsion, 321, 323, 361.
Don, do, to make or cause, 31, 35, 53, 55, 350.
Doust, dust, 374, 396.
Dowers = doughers (from dowe, dough), bakers, 335.
Duellen, dwell, 44.
Durre, door, 188.
Dwelle, remain, 56, 59, 81, &c.
Dyhȝeres, dyers, 359.
Dyker (of leather), a dicker = ten skins, 384.
Dystreyne, distrain, 362.

Egalle, equal, 401.
Eiyer, Eyer, Eythere, either, each, 59, 70, 89.
Elde, old age, 6, 9.
Elde = yelde, yield, give, 316.
Eldernlyche, anciently, formerly, 352.
Elles, else, 8.
Elmesse, alms, 38, 452, &c.
Empled, sued, 360.
Emplete = implead, sue, 318.
Enchesoun, reason, cause, excuse, 7, 10, 43, 349.
Encresin, Encresement, increase, profit, 53.
Engyne = engine, working, skill ("male engyne" [legal], evil doing), 405 *bis*.
Enterynge, burying, 31, 43.
Entremet, meddle, 404.
Entrit, enter, 36.
Er, before, 353.
Eschetour, 416.
Essoyne, essoin, 361. (*See* Assoyne.)
Estat, Stat, (1) estate, property, 6, 9, 362, (2) rank, 452.
Esterne, Estre, Easter, 35, 359.
Eten, Etyn, eat, 21, 31.
Everich, Eueriche, Eueryche, Eueri, Eueril, Euerilk, Euereilk, every, 6, 7, 26, 27, 30, 46, 54, 56, &c.
Exequises, burial services, 31, 74.
Eyr, heir, 362.
Eyr = eyre, Court of the Justices in Eyre, 362.
Eythere, Eyȝer, each, 78, 81, 89.

Falshede on hand, 55, 81, 95.
Falye, Fayle, Faylith, faileth, 30, 54, 62, 65, &c.
ffangyth, taketh, 313.
Fare, journey, voyage, 56.
Fastyngonge, Shrove-tide, the beginning of Lent, 69.
ffathe, St. Faith, 75.
Fawer, favour, 318.
Fawty = faulty, wanting, 72.
Fecche, Feche, fetch, 76, 355, 413, 415.
Fela, felawe, fellow, companion, 30, 37, 92, 448, 451.
Felashyp, ffeleshipe, ffelascheppe, fellowship, 315, 317, 321, &c.
Feld, field, 36.
Felwet, velvet, 415.
Fenestres, windows, 362.
Ferde, ffeerde, fourth, 62, 65, 67, 69, &c.
Ferdynd, Ferȝyng, farthing, 90, 119.
Fere, company, companionship, 31, 45, 48, 421.

Ferme, a sum of money due to the Crown from certain towns, 350, 353. (A.S. *feorme*, *i.e.* provisions, in which rents were anciently paid; afterwards used for the sum of the rents, as well as for the messuages, &c. for which they were paid.)
Ferndes, Frendis, friends, 35.
Ferthere, foreign or distant, 38.
Ferþingloff, farthing loaf, 354.
Feryall days, the working days of the week, 426.
Ferynge day = affering day, 421. (*See* Affurers.)
Fesse, ffesse, fees, allowances, 59, 66, 70.
Fett, Fetten, fetch, 323, 447.
Feuste, first, 318.
Feyre, fair, 384.
Feyth, oath, 63, 72.
Firmast, first, 4.
For, sometimes used as *to*, 62, 63.
Fore, for, 34.
Foreign, Forene, Forynar, stranger, not belonging to the borough, city, or gild, 317, 337, 382.
For-nemeþ, taketh away ("for the stret þt he for-nemeþ," *i.e.* for the piece of street which he occupies, and thereby takes away), 359.
Forsake, refuse, 71, 103, 108, &c.
Forseid, Fornseid, aforesaid, 35, 45.
Forsoth, truly, in truth, 326.
Forstalle (*see* note to p. 353), 396.
Forth, used to strengthen some prepositions, as, benethforth, withynforth, withoutforth, 373, 393, 394.
Forwetyn = for to wetyn, to know, 62, 63.
Fourtnythe, Fowrtenyt3, fortnight, 35, 71.
Foyle, insult, 304.
"in veyn þu foilist þi flesch wiþ abstinens."—Wicliff's Apol. (C. S.) 44.
Freleche, freely, 355.
Frist, Frust, first, 80.
Frontel, a moveable ornament for the front of the altar, 233.
Fuyre, fire, 371, 382, 385.
Fynden, Fyndeen, provide, 35, 48, 70, 71, &c.
Fyse, fees, 60.

Gaderid, gathered, 38, 121.
Galegez, pl. of galegge, galoche, or galache, a kind of under shoe or patten, 332. (*See* Pyncouz.)
Gare, go, 117.
Garneamentes, garments, 302.
Gederynge, gathering, 387, 388.
Gedren, gather, 101.
Get, goats, 354.
Geyderd, gathered, 117.
Gildwyt, a fine to the Gild, 185. (A.S. *wite*, punishment, fine.)
Gleyve, Glaythe, glaive, a kind of hand-dart or lance, 388, 427.
Godis, Godys, goods, moneys, 38, 52, 53, &c.
Gon, Gone, go,
Gon (the bellman), ring, 55.
Good, used in the singular as a noun, 350, 353.
Grenewax; certain proceedings by the Court of Exchequer, as to fines and certain profits to the king, used to be sealed with green wax, 370, 378.
Gret enquest, grand jury, 382, 385, 405.
Grete clothynge, 377. (*See* A-cloth.)
Greuance, grievance, 279.
Greuyd, grieved, 61, 76.
Grist, corn, 336.
Grucche, grumble, murmur, 91, 94, 97.
Gry[d]eþ, proclaimeth aloud, 361. (A.S. *grædan*, to cry, call, say.)

Habbe, have, 352, 353, 355, &c.
Habelyd = abelled, enabled, taught, 337.

Halde, Halt, hold, keep, 352, 358.
Haldeþ, holdeth, keepeth, 354.
Hale, to draw, to take, 425.
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Halidom, relic, holiness, 36, 418. (*See* Holydom.)
Hallomese, Halumesday, Hallowmass, or All Saints' day, Nov. 1, 58, 60, 69.
Halowenetyd, All Saints' time, 351.
Halue, half, 356.
Halwen (*v.*), to hallow, 17.
Halwes, Halwen, Halewyn, Hallowen, saints, 3, 11, 22, 29, 40, 397, &c.
Halyer, a drawer = to the modern porter, 425. (O.E. to *hale*, to draw, fetch or carry away.)
Han, have, 30, 35, 37, 75, &c.
Hap, event, chance, 7, 9.
Harn, are, 36.
Harnesid, clothed, dressed, 408.
Harwaste, harvest, 313.
Hastili, quickly, without delay, 35, 46.
Hat, Hatȝ, hath, 30, 53, 450.
Hauened, having, 45.
Hawen, have, 119.
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Hem, them, 3, 23, 71, 76, 114, 378, &c.
Her, Here, Ere, Hur, Hure, their, 3, 14, 23, 27, 87, 111, 350, 351, 377, &c.
Herborwed, harboured, lodged, 357.
Hergdes, earth, 110.
Herin, Heryn, Heren, hear, 14, 43.
Hertes hed, hart's head, 320.
Herthe, earth, 35, 111.
Heste, behest, command, 350, 356.
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Hethenesse, heathen lands, 36.
Heuedes, heads, 349, 360, 362.
Heuynesse, Heuines = heaviness, quarrelsomeness, 279, 450.
Heyle, hale, healthy, 87.
Hij, Hy, they, 349, 352, 355, 357.
Hillyer, tiler, maker of tiles for roofs, &c. 398. (A.S. *hilan*, to conceal, to cover.)
Hiring, hearing, 304.
Hode, Hod, hood, 21, 56, 415.
Hoggesters, hucksters, 337.
Hokday, the Tuesday fortnight after Easter Day, 385. (Hocktide was an ancient festival kept in the second week after Easter.)
Hoke, oak, 117.
Hokeȝ, hooks, 386.
Holigost, Holy Ghost, 14.
Holleche, Holecheche, wholly, 362.
Holpyn, helped, 56.
Holydom, (1) relic, (2) holiness, 189, 319. 418.
Holye, wholly, 188.
Home, them, 58.
Honest, decent, useful, 53, 190.
Honestliche, decently, fairly, beautifully, 47, 52, 247, 278, &c.
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Hool, whole, 449.
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Horsecharche, horse load, 358.
Hos, as, 98.
Hostrye, inn, 376, 406.
Hoten, (*v.*) (1) promise, (2) command, 14, 27, 30, 37, &c.
Houereday, everyday, 122.
Housling peple, communicants, 199, 204, 222, 247. (A.S. *husel*, the sacrament.)
Housynge, furniture, &c. of a house, 362.
Hows, Huse, house, 86, 357.

Hure, hur, their, 377, 378, 380, &c.
Hustylmentȝ, furniture, utensils, 233.
Huydes, hides, 396.
Hye desse, high dais, 327.
Hynen, servants, 357.

Iche, each, 51, 75, 106, 122.
Iche, that, 108.
Iliȝt, lighted, 8.
Ilke, Ilka, Illie, every, 56, 66, 97, &c.
Inemed, y-named, 54.
Ingyne. (*See* Engyne.)
Inordynatt ruell, disorderly rule, 332.
Intrailles, Intrelle, entrails, 385, 396.
Ion, John, 47.
Irrite, of no effect. 311. (Lat. *irritus*, vain, useless.)
Is, his, 62.

Janȝelynge, chattering, talking, 76, 79, 84, 93, 104.
Juwyse, punishment, instrument of punishment, or jurisdiction implied by the possession of such instruments, 355.

Katel. (*See* Catel.)
Kechen, kitchen, 120,
Kennen, to know, 43.
Kepende, keeping, 53.
Keruere, carver, 446.
Keywoode, wood landed at, and perhaps sold from, the quay, 383.
Knaffe, knave, 315.
Knave child, a boy, male child, 30.
Knolled, Knelled, tolled, by single strokes (the bell is "to be knolled," as distinguished from "rongen out"), 189, 401.
Knyghtenspence, a local rate, 390.
Konyng, Kunning, knowledge, skill, 46, 277, 319, 321, 416.
Krewettes, cruets, 320.
Kyrke, church, 87, 92, 100, 107.
Kyrke-wardeyns, churchwardens, 146.

Laghe, law, 115.
Lammes, Lammas, Aug. 1st, 60.
Laugnesse, length, 352.
Lapen, basket, hamper, 355. (A.S. *læp*, *leap*.)
Lat, Late, let, 81, 359.
Laten, a hard mixed metal, thought to be something like brass, 320.
Launcegaye, a kind of lance or javelin, 388.
Lauedy. (*See* Leuedi.)
Law-day, leet, meeting of the Court Leet, 370, 405, &c.
Leche-craift, doctoring, 322.
Led, lead, 358.
Lede, y-lad, taken, carried, 353, 356.
Ledeþ, carryeth, 358.
Lefull, Leeffull, lawfull, rightful, 21, 51, 390, 449.
Legge, lay, lie, 362, 363.
Leiþ, layeth, lendeth, 357.
Lengere, longer, 79.
Lentone, Lent season, 106.
Lese, lose, forfeit, 48, 50, 55, 56, 77, 302, 350, &c.
Lessid, lessened, diminished, 55.
Lestende, Lestyng, during, whilst, 31, 38.
Lestenliche, enduringly, for ever, 45, 47.
Lestetȝ, Lestyt, lasteth, 56, 63.
Let, Lettyng, hindrance, hinder, delay, 23, 46, 55, 81, 447, &c.
Leþer, leather, 353.
Leþen, ? = legen, to lay, put, 94.
Lettid, hindered, 408.
Leuacion of godis bodi, elevation of the host, 14, 27, 113, 115, 117.
Leue, leave, 54, 58.
Leuedi, Lauedy, lady, 14, 29, 36, 62, &c.

Leuen, to live, 23, 75.
Leueth, remaineth, 18.
Leyn, Leye, to lay or spread, 36, 91.
Li (libera), a pound, 104, &c.
Lie on, Lye, to belie, 80, 87, 95.
Ligeaunce, allegiance, 39.
Liste, like, please, 71, 76.
Liȝt, Lytȝ, Lyhtȝ, Lythe, Leyt, light, 7, 43, 54, 56, &c.
Lode, 396.
Loken, locked, 379.
Lokes, locks, 360.
Lolladries, "heresies and errours" of the Lollards, 417.
Lone, loan, 387, 393.
Longetȝ, longes, belongs, 72, 111.
Longyȝge, belonging, 11, 380.
Loos, reputation, 3, 357.
Lotte = lot, liability to bear office, 189, 329. (*See* Scot.)
Louerde, Lord, 89, 97, 100, &c.
Lygge, to lie, 350.
Lyggys, lies, 61.
Lykynge, liking, pleasure, 30.
Lymenour, limner, 9.
Lystes, limits, 43, 44.
Lyth, lieth, 59.
Lythe. (*See* Litȝ.)
Lythynge, lighting, 35.
Lyuen, to live, 27.
Lyuere, Lyverey, livery, 43, 56, 76, 372.
Lyues, St.(?) = St. Linus (Nov. 26), 426.

March, border, boundary, 249. (A.S. *mearc.*)
Marchasye, Marchalsey Court, 354.
Mayntenaunce = maintenance (a legal term), 39, 400, 403.
Maystris, masters, 27.
Me, men, one (indef. pron.), 350, 357, 360.
Meche, much, 48.
Mede, reward, 405.
Mekil, Mekul, much, great, 45, 111. (*See* Be.)
Menstre, church, 38.
Mercy = amercy, amerciament, 355, 356.
Merely, entirely, absolutely, 197.
Meschief, Mescheef, distress, trouble, 5, 9, 38, 50, 64, &c.
Mesomur, midsummer, 97.
Mete, measure, 371, 382.
Mete, meat, dinner, 36.
Meyteyn, maintain, 62.
Micheles day, Mychelle, Mihelmesseday, Mykames, Mielmes, Michaelmas day, 10, 62, 91, 97.
Mikil, much, 445, 449.
Mild, gentle, 47.
Mischefe. (*See* Meschief.)
Missomer, Misomere, Mesomer, Myssomere, midsummer, 10, 27, 97, 313.
Mo, more, 54, 386.
Moder, mother, 3, 11, 22.
Modur, Modyr, mother, 103, 110.
Mommyng, mumming, 427.
More, greater, 189, 277, 307, 360, &c.
More, moor, 237.
Mornspeche, Morwespeche, Morunspeche, meeting of the gild, held in the morning, 45, 49, 54, 60, 69, 71, 117, &c. (A "spekyng to-gedyr," pp. 52, 67.)
Morwe, Morwen, Morowen, morrow, morn, 7, 8, 31, &c.
Moryng, enhancing, 451.
Mowe, Mowen, may, might, be able, 4, 7, 20, 23, 115, 306, 307, 353, &c.
Myd, with, 354, 359, 361.
Mydlentoun, Midlentene, Mydelentone, mid-Lent, 91, 116, 281.
Myȝt, might, 76, 355. (*See* Power.)
Mykames day, Michaelmas, 97.
Mynaments, muniments, 287.
Mynstralles, minstrels, 423, 447.
Mynstre, church, 30.
Myntenyn, maintain, 27.
Mynute, small, 222.

Mysbyhauyor, misbehaviour, 329.
Mysconsel, wrong counsel, 87.
Mys-ese, discomfort, 31.
Mysseie = mis-say (*v. act.*), wrong, 89.

Namelike, chiefly, especially, 83.
Natheless, nevertheless, 298.
Ne, not, nor, 392, &c.
Nedely, of necessity, 386.
Nedful, needy, 38, 448.
Neep, resting, sleepy; "neep ceason," the autumn, 425. (A.S. *hnæppian*, to sleep, rest, lie: e. g. "neep tides.")
Nemed, taken, 386; Nemyng, taking, 382.
Newe (of), a-new, 372, 387.
Noght, Nought, Nouht, Nowt, Nouȝt, Nout, (1) nothing, (2) not, 4, 10, 21, 40, 48, 54, 55, 71, 353, &c.
Non, None, Nen, no, 361, 362, 392, 404, &c.
None, noon, 31, 355.
No noder, none other, 302.
Nouȝt, nouȝthe, nothing, 7, 9.
Nowse = noise, 72.
Noysance = nuisance, injury, 249.
Nyme, to take, 353, 358, 362. (A.S. *niman*. *See* Nemed, Out-nome.)
Nys, is not, 361.
Nyth, Nyȝt, night, 71, 75, 360.

O, Oo, On, Oon, one, 29, 315, 351, 354, 360, 445.
Ob. (obolus), a halfpenny, 27, &c.
Obett, Obbette = obit, 198, 326.
Obite, funeral service, 145, 336, 421.
Oblisshed, obliged, bound, 39.
Occupacion, trade, 327, 328.
Occupie, use, take up, 375, 396, &c.
Odynauns, ordinances, 80.
Odyr, other, 279.
Of-take, overtaken, excepted, 355.
Ofter, offer, 65, 69.
O-lupy, single, each, every, 350, 354. (A.S. *ælpig, ænlipig, ænlipug, anlipig, ænlep, anlepig, anlip, anlypi.*)
Onehede = onehood, agreement, 451.
Onleche, only, 353.
Onys, once, 405.
Or, before, 360, 377, 395, &c.
Ordeyned, ordered. (*See* p. 38, line 3.)
Ordinate, orderly, 335.
Osed, ? = [w]o[r]s[t]ed, worsted, 321.
Ostery = hostry, an inn, 376.
Othe, oath, 36.
Other, or, 335.
Oþer, Oyere, Oyer, Oȝeȝe, or, other, either, 4, 9, 29, 55, 72, 84, &c.
Oþer-loker, otherwise, 355.
Ouerseyn, overlooked, 374, 397.
Out-nome, except, or unless, 350, 351, 361.
Out-nyme, excepted, 353.
Out-taken, unless, excepted, 35, 98, 445.
Oward, award, 35.
Owen, Owyn, own, private, 56.
Owythe, Owith, ought, 34, 380.
Oyere, Oȝere. (*See* Oþer.)

Pache, patch, 320.
Palyoun, pavilion, 233.
Pame (Fr. *paume*, palm), a kind of tennis game, in which the ball was struck with the hand, 372, 387.
Pans, pence, 353, 354.
Parcel-gylt, partly gilt, 199.
Parcell, part, 198.
Party gown = a parti-coloured gown, 320.
Parylle, peril, danger, 371, 382.
Pask, Easter, 10.
Paste, dough, 336.
Patrons, patterns, 321.
Pavys = pavise, a kind of large

shield, either for the body or for walls, 320.
Pax-brede = pax-borde, an ornamented tablet of wood or metal, used at mass, and kissed by the priest and others in sign of peace with God, 233. (*See* "Ch. of our Fathers," vol. iii. pt. ii. p. 161.)
Paynys, fines, 336.
Paysing, weighing, 322.
Peltyers, furriers, 29.
Penner, a pen-case, often hung from the girdle, sometimes joined with an ink-horn, 320.
Pernele, St., Petronilla the Virgin, 47.
Pes, peace, 6, 37, 71.
Peyne, pain, fine, 10, 377, 381, &c.
Peyse, weight, 356.
Peysiblyche, peaceably, 52.
Peyyn, pay, 63.
Pillor, thief, 389.
Plegge, pledge or surety, 277, 382.
Pond, a pound, 4, 117, 121.
Porveyde, provide, 357.
Potel = pottle, a measure of two quarts, or half a gallon, 59, 60, 66, &c.
Pouer, poor, 278.
Pouerte, poverty, 70, 73.
Powel, Poule, Powle, Paul, 30, 52, 189.
Power of the town, jurisdiction of the town, 355, 356.
Powere, of power, rich enough, able, wealth, ability, 4, 48, 75, 389.
Poysand, Poysaunt, weighing, 18, 26.
Predicted, aforesaid, 198.
Prentise, Prentyse, Printes, Pryntes, apprentice, 306, 315, &c.
Preyeers, prayers, 71.
Preysed, Preised, appraised, valued, 332, 391.
Profeth-abil, profitable, 62.
Profry, proffer, 360.
Propere, own, 48, 59, 66, 70, &c.
Prouen, to try, 101.
Prouid, proved, 58, 69.
Prykette, a candle made to fix upon a spike or prick, 326.
Pryme, between six and nine o'clock a.m., also daybreak, 18, 31, 60. But see pp. 79, 275, where "ye oure prime is clepyd the secounde oure aftyr noone."
Pure, poor, 144, 145.
Purvoyd, provided, 397.
Putts, pits, 372, 385.
Pyffanye, Epiphany, 103.
Pyncouz = pynsous, thought to be "high unsoled shoes of thin leather, which were commonly worn with pattens," or galaches, 332.
Pyte, pity, 395.

Quarter, qr., farthing, 58, 60, 65.
Quarterage, Quarteridge, quarterly payments, wages or dues, 3, 8, 289.
Quayers, Quayres, quires, 197, 379.
Queristeres, Querysters, choristers, 198, 222.
Quiche, Queche, which, 51, 52, 71, 274 *note*.
Quile, Qwyles, while, 62, 104.
Quose, whose, 69, 80.
Qwan, Qwhan, when, 30, 275 *note*.
Qwat, Qwhat, what, 72, 274 *note*.
Qwere yat, whereat, 72.
Qwilk, which, 37.
Qwo-so, Qwho-so, whoever, 30, 275 *note*.
Qwyche, Queche, which, 31, 71, 274 *note*.
Qwyt, white, 104.
Qwyte, quits, 36.
Qwyten, to wit, 92.

Ray lyveries, gowns made with cloth in stripes of two or more different colours, 422.

Rebel, ill-behaved, unruly, 55, 79, 84.
Recettors, receivers, 371.
Regrate (*see* note to p. 353).
Reknynges, reckonings, 35, 370, &c.
Relef, that which is left, remainder, 315.
Remenaunt, remainder, 31, 361.
Repele = repeal, recall, 417.
Reseyuet, received, 31.
Resiaunt, resident, 373, 390.
Resonableche, reasonably, 43.
Reteyignde, retained, 333.
Retray, to return, 418, 422. (O.Fr. *retree*, to withdraw.)
Reuenowis, revenues, 335.
Rite, custom, 383.
Roþes, cattle, oxen (A.S. *hruðer*, *hroðer*), 359.
Ruyl, rule, 4.
Rygge, back (of a man), 354. (A. S. *hric*, *hrycg*.)
Ryseȝ, Rysythe, riseth (from table), 56, 88.
Rytes, Rythis, Ryghtes, Ryȝtes, rights, fees, 54, 58, 60, 86, 357, 361.
Rythe, right, 30.

Sadde, staid, sober, grave, 311, 379, 382, &c.
Sal. (*See* Schal.)
Sauen, take care of, 81.
Sauter, psalter, 26, 35, 282.
Sawere, Sowere, sewer, 314, 315.
Schal, Shal, Ssal, Xal, Scholene, Schul, Schulyn, Scullen, Shullen, Shun, Sshullon, Shuln, shall, 11, 24, 27, 29, 35, 40, 54, 67, &c.
Schyl, reason, 30.
Scot, rates, taxes, 189, 329, also 346 *note*. (A.S. *Sceat*.)
"Every freeholder is bound to be a partaker in *lot*, which is liability to hold office, and in *scot*, which means contribution to taxes and other charges."—Riley's Mem. of London, p. 601.
Screweyneys, stewards, 119. (*See* Skevens.)
Scryt, writing, 357, 362.
Se, sea, 48, 52.
Seende, seeing, 51.
Seke, sick, 66.
Seleþ, seal, 359.
Selue, Selȝel, Selfe, self, selfsame, the said, same, 14, 27, 37, 74, 75, 354, &c.
Seluer, Syluer, money, 8, 36, 116, 357.
Selynge, sealing, 359.
Semble, assembly, 31.
Semelyn, assemble, 47.
Sen, Sent, saint, 54, 62, 83, 119, &c.
Sent, assent, 58, 69.
Seriauntes, serjeants, 362, 374, 395, &c.
Sesynge, seizin, 359.
Sete, Sety, fit, wholesome, 382, 397, 425. (O.E. *soote*, sweet.)
Sete, city, 35.
Seth, Sethens, (1) then, (2) since, 76, 413, 414. (*See* Sithyn.)
Setsayne, citizen, 322.
Sewrer, surer, 413.
Sewte, suit, 362.
Sewy, to sue, 361.
Seyall, seal, 327.
Seyn, seen, 380.
Seyn, say, 35.
Seynge, sing, 34.
Seysy, seize, 362.
Shapyn, shopping, a shop, 317.
Shon = shoon, shoes, 359.
Shongable = shoongavel, a tax upon shoes. 359. (*See* Smergauel.)
Shul. (*See* Schal.)
Sille, sell, 373, 392.
Sise = assize, 424. (*See* A-syse.)
Site, Syte, city, 27.
Sithyn, Sithence, since, 36, 197, 222, 247, 298. (*See* Sythen.)
Skeuaynes, Skevens, Skyueyns. (O. Fr. *échevins*), stewards or bailiffs (officers of the gild next

in rank to the alderman), 46, 48, 54, 64, 81, &c.
Skore, 357, 362.
Slippe, a steep approach to the river, 374, 396, 397.
Slocke, entice, 336.
Smere, fat, ointment, 356, 359.
Smergauel = smeregavel, a tax upon "smere" or ointment, 359. (A.S. *gafol*, a tax or tribute.)
Smeten, Smyten, struck ("after prime be smyten"), 60, 79, 83.
Socage rolls, rolls of those holding under socage tenure, *i.e.* within a soke, 376. (*See* Sok.)
Socorourris, helpers, 335.
Soigne, sung, 144.
Sok = soc or soke, a territory or liberty within which certain privileges were possessed, 350. (*See* Gloss. to Thorpe's A. S. Laws: Bosworth's Dict.)
Somnes, summons, 317.
Somonour, summoner, beadle, 30.
Sonde, sending, thing sent, 31, 35, 50.
Soole = sole, single, 190.
Sothly, truly, 146.
Souerengly, chiefly, 45.
Soutere, Sowtere, cordwainer, shoe-maker, 358, 359.
Sowen, saw, 52.
Soyne, essoin, 361.
Spence, buttery, 327.
Stabeled, stabled, established, 54, 97, 328.
Stabeliche, firmly, 37.
Stake, fastener, 362.
Stat, State, (1) estate, property; (2) prosperity, 72. (*See* Estat.)
Stede, place, 349, 350, 372.
Steure, to stir, move, 317. (A.S. *sturan*, to stir.)
Stresse. (*See* Distresse).
Stretys, estreats, 400, 421.
Streyte, strict, close, 389.
Stynting, ceasing, stopping, 415.
Sullere, seller, 355.
Sustentacion, support, 67, 336, &c.
Suster, sister, 9, 190, 278, &c..
Sustren, Sustris, sisters, 3, 275, &c.
Suwynge, following, 43.
Suyt, Sute, suit, livery, 3, 43, 446.
Swerynge, swearing, 362.
Swilk, such, 55.
Swte, suit, 446.
Swych, such, 276, 278, 360, 363.
Sylwes, shelves, 327.
Symple, common, 8, 11.
Syngnyt, assigneth, 35.
Sythen, Sythyn, (1) then; (2) also, afterwards, 46, 55, 72, 88.
Sythes, times, 20.
Syȝte, sight, 362.

Takyn on, put on, 56.
Tallage, tax, 356, 359, 390.
Talwȝ, tallow, 359.
Tapener, a weaver, a narrower, one who regulates the width of the cloth, 350, 352.
Taraget, "court rolls, rentals, or terrages" (Smirke, Arch. Journ. ix. 69), 350.
Taryȝynge, delay, tarrying, 357.
Taske, tax, 390, 393.
Tayle, tale, account, tally, 83, 362.
Tenne, to conduct, 418.
Tensure, a word thought to signify some local kind of tenure, 373, 383, 394.
Tenys, tennis, 372, 387.
Teþing, tything, 361.
Theues, thieves, 6, 9.
Thofte, thought, 314.
Thorow, Thorwȝ, Thurwȝ, through, 6, 9.
Thridde, Thredd, third, 49, 54, 64, &c.
Thries, thrice, 77.
Thurghe, through, 31.
Thysmyste, dismissed, 313.
Þanne, then.
Þare, to which, 356.
Þat, that

Þt ylke, yt iche, the same, that, 362, 106.
Þeder, þider, thither, 35.
Þefwyke wytye, keep his bailiwick, 350. (In O.F. "*la provost garder.*")
Þeis, these.
Þelke, the like, such, 352.
Þenges, things.
Þer, there, where, 37.
Þerof, thereof, 3.
Þey, though, 354.
Þilke. (*See* Þulke.)
Þird, third.
Þo, those.
Þorghe, through, 359.
Þorow, through, 47, 49.
Þouȝ, though, 75.
Þre, three, 360.
Þridde, third, 359.
Þulke, þilke, those, 353, 354, 356, 357, &c.
Þyrde, third, 315.
Til, to, 55.
Tine, to inclose, 437.
To, sometimes used as *while*, 84, sometimes as *for*, 352, 354.
To, two, 30, 35, 60.
To-fore, before, 352.
To-gedere, To-gyder, Tokedere, together, 3, 34, 67, 279.
Tonne, a barrel, tun, 358.
Toy, two, 113, 117.
Toyer, 'tother, 54.
Trauaile, trouble, work, 8, 35, 66, &c.
Tray, tre, wood, 358.
Tre, wood, 199, 372 ("chimneys of tre," chimneys of wood.)
Trental, Trent, thirty masses, 8, 38.
Trewelich, Treuleche, truly, 3, 349, 350, 357.
Trost, faithful, trusty, 46.
Trostende, trusting, 53.
Trowys, boats or barges of a certain sort, 424. (A.S. *treow*, a tree.)
Tweye, two, 39, 350.
Twyȝes, twice, 357.
Tyliers, tillers, husbandmen, 23.

Unboxhum, disobedient, 5, 92.
Unskylfulleche, unreasonably, 55, 100.
Up-on, Vp, withal, according to, 37, 40, 76, 355, &c.
Urelauedyes day, our Lady's day, 83.

Vele, many, 360.
Verrey, Verray, Very, true, 7, 10, 48, 63, 417.
Viage, journey, expedition, 17.
Vigille, watch, 393. (*See* Wacche.)
Vnboxhum, Vnbuxum, disobedient, 5, 55, 92.
Vndren = undern, from 9 a.m. to 12 at noon (corresponding to the canonical hours called "tierce"), 353.
Vndurfonge, to receive, 349, 357.
Vndurnemere, taker, surpriser, 350.
Vnshlawe, unslaughtered, 354.
Vnskilfulike, unreasonably, 93, 100. (*See* Schyl.)
Vn-to, before, 280.
Vnye, to unite, 310.
Vnytee, unity, 22.
Volwyng, following, 324.
Vppeyne, upon pain or fine, 353.
Vre, our, 83.
Vsud, Vsed, communicated (taken the sacrament), 14, 27.
Vsyd, used, accustomed, 51.
Vyȝtynge, fighting, 361.

Wacche (1) a public watch or vigil, 408; (2) a tax for the maintenance of that watch or vigil, 390, 393.
Wache, which, 34.
Walk (cloth-) to full cloth, 383.
Wane, wanting, absent, 30.
Warde, keeping, charge, 359.
War-fore, Wer-fore, wherefor, 353, 354.

Warn, to tell, give notice, 5, 7, 80, 87, 92, &c.
Was, whose, 352.
Watrd, watered, 397.
Waxshote, wax-rate, 190.
Waylore, value, 313.
Wed, a pledge, 8, 11, 55, 91, &c. (*See* Borwe.)
Wederyng, weather, 23, 111.
Wekett, wicket, 320.
Wele (habbe wele), will, will have, 360, 361.
Wele, weal, 335, 337, 408.
Wende, to go, 7, 10, 20, 31, 47.
Weneþ, thinketh, 362.
Werche, Worche, work, 350.
Werned, warned, 321.
Weten, Wetyñge, Whet, Witen, to make known ("the alderman shall weten the dene to seye"), 35, 46, 349; to know, 48, 53, 54, 75, 317, 360.
Wetye. (*See* Wytye.)
Weye, way, 38.
Wher-þorow, Whar-youghe, Wherthurgh, whereby, 46, 417.
Whethir-so, whosoever, 74.
Witen. (*See* Weten.)
Wist, Wyst, known, 81, 95.
Wit-owten, without, 55.
Wittye, having knowledge, shrewd, 46.
Wiþ-segge, to gainsay, 355.
Wodde, wood, 425.
Wode-wexen, woad-wax, a plant used by dyers, 358.
Wollmongere, wool-monger, 353.
Wonyeþ, dwelleth, 358.
Wonyȝynge, dwelling, 362.
Worchepefulleke, honourably, 57.
Worschepe, Wrchepe, Worchippe, honour, 27, 45, 58, 62, 65, &c.
Wrecche, malice, vengeance, 80, 95.
Wrecchedness, misdoing, 7, 9.
Wygthe, Wythe, Wyght, weight, 30, 35, 383.
Wyht-al breed, wastel bread, 101, 102.
Wyke, woke, week, 9, 18, &c.
Wyllanie = villany, injury, 280.
Wyth-sounday, Whitsunday, 60.
Wyt, with, 43.
Wytye, Wetye, keep, 350, 357.
Wyþorawe, withdraw (?), 361.
Wyȝte, weight, 354, 356.

Xal, Xuln, shall, 54, 55. (*See* Schal.)

Yam, them, 111.
Yanne, then, 30.
Yate, gate, 374, 397.
Y-be, been, 359.
Yche, each, 64.
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